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THE

LIBERTY OF ROME.

VOL. I.

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THE

LIBERTY OF ROME:

A HISTORY.

WITH AN HISTORICAL ACCOUNT

OF THE

LIBERTY OF ANCIENT NATIONS.

BY SAMUEL ELIOT.

"Romanæ spatium est urbis et orbis iden."—OVID.

"The history of the world is one of God's own great poems."—HARE.

IN TWO VOLUMES.
VOL. I.

LONDON:
RICHARD BENTLEY,
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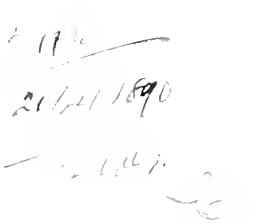
1849.



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PREFACE.

THE following work might have been entitled the History of Rome, &c., with a View to describe the Liberty of that and other Ancient Nations; which I mention, not in order to dilate upon any uncertainties of my own, but simply to guard against misapprehension of the subject I propose to treat. Not believing that liberty is anywhere to be understood or judged according, merely, to the government over any people, but rather, and chiefly, according to the capacity and the cultivation of the people themselves under their government, I have entered upon various narratives and investigations, which would appear misplaced to the reader, if he looked for accounts of institutions or antiquities alone, much more so if he expected nothing but generalizations or metaphysical inquiries. If it had been the Liberty of America, for instance, instead of the Liberty of Rome, of which

I had undertaken to write the history, it would have seemed to me contrary to all propriety to confine myself, on the one hand, to a description of the Constitution or the Congress of this country, or, on the other, to general reasoning upon the various points in law, or politics, or morals, which would naturally present themselves. Any such generalizations or constitutional details would properly be but the introduction or the illustration of the history, which would itself relate what the American people had done or suffered under their laws and with their principles,—in other words, what use or abuse they had made of their liberties. The first chapter of the introductory portion of these volumes will more methodically define the positions upon which it has appeared to me that the history of ancient, as of modern, liberty is to be based; and the chapter concluding the same part of the work will sufficiently explain the quantity and the quality, so to speak, of the liberty which I suppose to have belonged to antiquity.

It may also be prudent to account for the extended Introduction in the first volume. The remark, that Roman history is the conclusion of ancient history, is old enough to warrant the attempt to relate the achievements of the earlier races in

direct connection with the race by which they were overcome. I have, however, ventured not only to do this, but to wander beyond the limits of the Roman conquests, and to describe, as far as I could, the various stages in the progress of the ancient world; so that the place of the Commonwealth of Rome in universal history might, perhaps, be made more obvious. The eighth chapter of the Introduction will complete the explanation I can here but promise beforehand.

My work lays no claim to any great or small discoveries, although the general ideas upon which it is composed may have some merit of freshness, as well as of truth. Neither does it confess to being nothing but a copy or a repetition of histories already written, without which, however, it could never itself have been composed. For while availing myself of the instruction I could gain from the great authors of ancient and modern times, owing to some a companionship, and to others, as to Niebuhr, a guidance, in return for which gratitude cannot be too candid, I have continually laboured to fulfil my own undertaking according to common courage and justice. "Every one," indeed, as Niebuhr himself remarks, "every one must see that our own personal views and opinions can be of little avail in history, if they are not in

accordance with things and relations which really existed."* But it has always seemed to me that the way to reconcile our ideas to the truth of history, or rather, to form our ideas according to the truth of history, is found only in learning with our own faculties, not, indeed, as if no knowledge had been gained by others before us, but as if ours were to be peculiarly our own, — the fruit which would never ripen, unless we, too, sought the sunshine and withstood the storm. If we were waiting an introduction to men or women we had never seen, we might inquire of one who knew them well, concerning their characteristics, as concerning their lives; but though we would not undertake to change the facts respecting their places of birth, their fortunes or their misfortunes, we might yet, after meeting and becoming familiar with them, obtain an insight we should not otherwise have had, not only into their characters, but particularly into the circumstances by which they had been surrounded and affected. It is so in reading history. Its dates and its names are the same to us as to our forefathers; but we may be placed, as individuals or as a generation, in such positions, formed under such influences, and lifted to such hopes, as to see, or to think we

* Niebuhr's Lectures on Roman History, Lect. xi. Introd.

see, the past more clearly than they who wrote or read concerning it at another period or in another land.

The narrative portions of the work will be found principally in the second and third books upon Rome; one of these being devoted to the growth, the other to the decline of liberty. But in these, also, as in the remaining parts of the history, there will be investigations and statements to which the indulgence of the reader, if he be very hostile to what is sneeringly called disquisition, will need to be entreated. The only other peculiarity of these volumes is, that the account of wars and conflicts is always abridged and sometimes omitted: to the distaste, I fear, of those who love to follow the adventurous march, or hear the whizzing spear, or count the trophies of the slain. On the other hand, the tumults and insurrections within the walls of Rome will crowd in, with unceasing jar, upon ears which listen in vain for peace. It is bad enough that wrath and bloodshed should be numbered amongst the sins of man, without their being made the attractions of his history.

There are many considerations to render it desirable that certain chapters in history, and especially in ancient history, should be rewritten. Of these, the principal, perhaps, is suggested by the

promises and the perils of the years in which we live. In the uncertainty of daily events, of contests and revolutions and changing destinies, it is natural to look forward with solemn earnestness to the period when the designs of Providence shall be more truly comprehended and obeyed than they can be in the first moments of their revelation. There are many, however, whose earnestness might be called, with better reason, fear; there are some who, though doubting rather than afraid, stand resolved to chant a funeral service over every rising hope of humanity. Amongst other grounds of greater confidence, as well as of greater humility, history is given us by God; but that it be made of any efficacy, it must not only inform us in regard to the past, but console us with regard to the future. "Without history," says Thomas Fuller, "a man's soul is purblind, seeing only the things which almost touch his eyes;"* yet even with history our vision is not always much farther extended.

Of the two ways that are most common in writing or reading history, neither has seemed to me so broad or right as unfailingly to lead its followers to the truth. One of these two is that of the romantic or entertaining,—the other, of the ab-

* The Holy State, xxii.

stract or instructive school; the latter being intent on stripping the past of every thing like life or feeling, and the former endeavouring, and in many recent instances successfully, to restore to bygone days their animation and their rightful interest. But however great the literary merit of these various productions may have been, however fresh the art and the picturesqueness of some, however profound the philosophy and the lore of others, there has been in many, perhaps in most of them, a blank that neither intellect nor taste alone can supply. It is so, simply because it has been too often forgotten that none can fathom the truths of history except with the plummet of the Christian, and that it is only through the sympathy for all humanity which Christianity commands and the faith in every work of God which Christianity sanctions, that we can comprehend the particular events or the general character of history.

It is even more, then, than at first it seems,—and I am arguing against myself in admitting it,—to ask from history, or rather from its writers, the preparation of coming as well as the description of bygone generations; for it is easier to be what the world calls a great historian than what one's own heart recognizes as a devout Christian. He whose words stand upon my title-page wrote them thus

more fully:—"Seeing that the history of the world is one of God's own great poems, how can any man aspire to recite more than a few brief passages from it." * One would not dare, it seems to me, to recite a single passage, except that he might offer his word of interpretation upon some portion, remote or recent, of the Great Poem we are still hearing or witnessing or acting through our lives.

> "Of all the creatures both in sea and land,
> Only to man hast Thou made known Thy ways,
> And put the pen alone into his hand,
> And made him secretary of Thy praise!" †

I have endeavoured, therefore, to represent the history of antiquity as that of a period over which Providence was as continually watchful as over our own, and yet without venturing to introduce any religious meditations or aspirations. The teachings of history, indeed, do not admit the ethical or the exhortatory development belonging to works of another class; but if they be accepted with open minds, they can never be regarded as indirect or vague. The universality of Divine government, the spring of all human responsibilities, is the groundwork of every history that deserves the name. It

* Guesses at Truth, 2d edit., p. 354.

† George Herbert.

is this, I trust, which, recognized in the midst of heathen times,* may reassure the readers of these volumes concerning the course prepared for their race towards a liberty, not of Rome nor of America, but that into which Christianity shall so profoundly penetrate as to be one with it in the sight of Heaven.

The present work is intended as one of a series, which I hope, with God's blessing, to complete in my lifetime. Its successors, relating to the Liberty of the Early Christian Ages and the Liberty of the Middle Ages, will, if they be ever written, bring down the history of Liberty to the Reformation. I propose to make the Liberty of England the subject of a work by itself, in which the constitutional and progressive freedom of the nation shall be traced from its origin to its maturity. Further volumes may follow upon the Liberty of Europe since the Reformation, and, lastly, upon the Liberty of America. In mentioning these, I am perfectly aware of the uncertainty of life, and, even should that be granted, of capacity to complete

* Old Montaigne has a passage which describes these and their lessons in themselves :—" Ce temps est propre à nous amender à reculons ; par disconvenance plus que par convenance ; par différence que par accord." Essais, Liv. III. ch. 8. It is more Christian to recognize the similarities between one generation and another of mankind

so large an enterprise. But I have wished to state that it has been begun, and that the present volumes form the first of the histories proposed.

May, 1849.

NOTE.

The Illustrations to these Volumes are all the designs and the generous gift of my more than friend, Charles C. Perkins, to whose affection and taste a large share of any interest that may possibly attach itself to my pages will be readily and deservedly ascribed.

AN HISTORICAL ACCOUNT

OF THE

LIBERTY OF ANCIENT NATIONS.

"No marble statue can be politely carved, no fair edifice built, without almost as much rubbish and sweeping."

MILTON, *Reason of Church Government.*

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THE

LIBERTY OF ANCIENT NATIONS.

CHAPTER I.

INTRODUCTORY STATEMENTS.

"La partie la plus utile de l'histoire n'est point la connaissance aride des usages et des faits ; c'est celle qui nous montre l'esprit qui a fait établir ces usages, et les causes qui ont amené les événements."

BOULANGER, *Antiq. Dév., av. prop.*

LIBERTY, considered abstractly, not only allows, but, as actually observed, encourages the exercise of all human powers. It has its different degrees, both in relation to the powers it may be said to establish, and to the laws, Divine and human, by which it is itself established. Its history, therefore, comprehends the history of many other principles besides itself, in describing their development as well as its own against oppression and evil. At all times, but especially in those we call ancient, the history of liberty will be found to give prominence to the most auspicious periods in the history of humanity. It must, of course, be written with patient search and earnest interest; but it must be read, as well as writ-

ten, in the largeness of heart towards men and the devotion of spirit towards God, which can alone suffice to the knowledge or the utility of any history.

We need to turn back, for a moment, beyond the beginning of authentic history, in order to prepare for understanding the later and better-known periods with which we are to be concerned.

In the traditionary age, of which there are rumours spread amongst every race, when a few human beings lived at peace with themselves and in the worship of their Divine Creator, the new-formed world was blessed with liberty and religion. Through the one, the relations of man to man were free; through the other, the relations of man to God were pure; however imperfect either might be in positive development. But a change, sudden and obscure, came over humanity and the principles by which it was at first sustained; and when we look once more towards times too dim, indeed, to be clearly known, neither liberty nor religion is to be found. Yet they had not been bestowed to be taken away again for ever. The shadows of the morning, succeeding to the dawn, were deep and long; but while men toiled or wandered over the earth, the memory of the light within their earlier homes remained; and the day increased, as they were mercifully allowed to seek it anew for themselves.

The first labours of man in his changed estate, for mere existence, were physical, both in their means and in their ends. Appointed even in Eden, with the promise of dominion over all the earth and over

every living thing that moved upon the earth, they continued with greater necessity when the brute creation was to be subdued, and fruits were to be obtained within the forest or from beneath the ground. The cave was cleared; the tree-hewn hut was raised ; and the blessings of a life-time were abundant, if there were shelter and food for the children born and for the parents growing old in comparative degradation.[1]

As men multiplied and separated into tribes, the inequality existing among them from the beginning resulted in strife and victory and despotism. Physical energy was quite as predominant as it had been above other human powers ; but the purposes to which it was directed were enlarged to the dominion of man over man, or of tribe over tribe. The labours of conquest ensued in all their terrors. Despotism over a race increased to despotism over an empire ; and between empires there was the same succession of struggles that had occurred between men or tribes.[2] But the period of conquerors was distinguished above the period of wanderers or husbandmen by the formation of more settled customs and more united homes. The very

[1] I have no desire to represent the early race as having been composed of savages ; but it seems established by tradition, that, through a deluge or some general catastrophe, a period of ignorance and purely material energies succeeded to an earlier period we have no means to describe. See the excellent work of Leland upon the Advantage and the Necessity of the Christian Revelation, part 1, ch. 1.

[2] "O'er the populous solitude,
Like one fierce cloud over a waste of waves,
Hung tyranny," &c.
SHELLEY.

war and violence in which men engaged would bring new connections, new wants, new prospects, into being; and the future would begin to share the anxiety which the present had so far exclusively retained. It was an inclement season; but the order and the progress of mankind had found their seed-time.

The air grew milder, and the earth was conscious of its trusts, at last. The old conflicts with nature for the first provisions of life were decided; but the later strifes of men had not yet begun to pass away. Still was the brow flushed, and still the arm was lifted, yet not alone for food or for dominion. New labours, the labours of civilisation, filled up the lives of classes and of nations who would have scarcely maintained, much less have glorified, themselves through the earlier toils. Civilisation, which was at first material, soon occupied the earth in its better forms. There were other longings in the human mind than any works of the hands alone could satisfy; and in the search for intellectual things, a wider world was opened than had yet been reached even in dreams. Poetry came to live with men in the freshness of her youth, and the lessons of her teaching led on to arts and sciences and nearly universal cultivation. The customs, scarcely attained to the strength of laws, were reformed and solemnly confirmed, and society wore a new aspect. Former employments were abandoned; former manners were improved; a thousand resources of sustenance and wealth and luxury replaced the scanty measure of former times; and the world was beautified at the

same time that it was expanded. But with all these changes, the fierceness of despotism, war, and superstition continued to waste the earth "as an open sepulchre," beyond which no purity, no peace, no liberation, had been anew revealed. Even the deities in whom men believed were at variance with one another; and the religions, of which they formed the crown, were efficacious against the good rather than against the evil in the world.

This rapid account of the three great labours of mankind in the legendary and the historical eras of antiquity will be, it is hoped, sufficiently clear to explain the natural principles of growth which ancient liberty obeyed. Each successive period was marked, not only by the undertaking of larger enterprises, but by the development of increased powers; both which imply, without the need of explanation, that the freedom of each successive race must have surpassed, in some degree, the freedom of its predecessors. The attempt will by and by be made to describe more particularly the part which liberty sustained in the advancement of the ancient nations;[1] but for the present, it must be our aim to define as accurately as possible the limits within which this great principle of human progress would be itself restricted, before the coming of a Saviour through whom it first appeared that the growth of liberty alone was not the growth of thorough truth.

The idea of liberty is inseparable from the idea of power. Liberty, in fact, is the means of exercis-

[1] See Chapter VIII.

ing power; while the possession of power is worth nothing without its employment in liberty. The ability is nearly synonymous with the freedom to do anything which is the natural work of human hands or human minds. An individual may, indeed, be free, but to no good purpose, without capacity and cultivation; nor will a nation, though free, make any use of its liberty, unless it have strength and civilisation. On the other hand, neither an individual nor a people can be accounted powerful, unless both have the freedom in which their powers are subject to no unnecessary control. Now there are different degrees of power, as of liberty. One is physical, implying muscular and rugged force which can be turned to use only in a violent and barbarous freedom. It may be power over nature or over man; but wherever it exists by itself, it is always the growth of an early period and the possession of an uncivilised race. The second degree is intellectual, and is joined to a wiser freedom and a larger civilisation. It must be physical as well as intellectual, in order to be firm and useful; but its firmness and its usefulness arise from the sources of industry and knowledge and law. Far above both is moral power, more gentle and more peaceful, yet a thousandfold more mighty and more beneficent. With one man or with a whole nation, this power, if it be free, is sure to be employed in the justest and purest liberty, because it is the worker of all purity and justice. As physical power issues from the appetites and the vigour of the body, and as intellectual power springs

from the desires and the ability of the mind, so moral power has its origin in the affections and the holiness of the soul.

> "'Tis liberty of heart derived from Heaven,
> Bought with His blood who gave it to mankind,
> To walk with God, to be divinely free."[1]

The purpose of starting with these definitions of liberty, in connection with the power to which mankind is capable of attaining, will be more apparent as we come to comprehend the measure and the character of ancient freedom, through the measure and the character of the faculties whose exercise and development it supplied. But there are other subdivisions of liberty which are more commonly regarded as corresponding with the various periods of history, because they are in more immediate relation with the laws on which all liberty depends. The idea of law is twofold, inasmuch as it always suggests both constraint and security. According to the predominance of one effect over the other in any body of laws, it may be generally said that they establish a greater or a less amount of liberty. If a code, for instance, be devised by man to restrain a people from the possession or the employment of the rights we suppose to be given them by God, they are virtually a people of bondmen. On the contrary, wherever human institutions are framed in order to preserve the rights and the hopes of Divine bestowal, there liberty exists in all the completeness to which it can aspire. It may be observed, parenthetically, that

[1] Cowper.

the spirit to conceive and to adopt these better institutions is derived from religion.

One often hears that the savage is distinguished from the civilised man by his greater freedom, or, at least, his greater personal freedom,—as if the action of laws were necessarily so hostile to liberty as to make their absence favourable to its widest, though not, as all agree, to its most beneficent, expansion. It is, however, to be remarked, that, if the barbarian be not constrained by laws, he is utterly subject to the force or the violence which the want of laws allows; he may not be constrained, but he is certainly not protected. And, to connect the foregoing with the present considerations, it may be added, that, supposing the savage to be free as the air he breathes, he has no faculties save those of ferocity, craft, and sometimes foresight, to employ in his desert liberty. One illustration will be sufficient to lead the reader to the reflections it is desirable he should make at the outset of a history of liberty; but it might be argued, in the same manner, that freedom fails or flourishes, whether in a democracy or under a despotism, according to the nature of the laws from which it springs, and that of the powers in which it may be said to flow.

We must return, however, to trace the various degrees of liberty which relate more immediately to the various laws by which men live in civilisation. One is personal, another social, and a third political; not that these are the only names which liberty bears, but that they may here be taken as describing

the three divisions under which all others may be numbered. Personal liberty belongs to the individual, as the freedom to think, to speak, and to act as he will: its measure depends, more than that of any other freedom, upon the capacities with which the individual is endowed; but its enjoyment, of course, like that of all freedom, is secured through the laws by which society is controlled and upheld. Social liberty belongs to men as members of society; it does not make them citizens, but protects their persons and their possessions, and unites them, whether of a larger or a smaller number, in industry and general prosperity. Political liberty belongs to citizens, that is, to men who bear their parts in government as well as in society; nor does it simply effect participation in public affairs and public privileges, but, where rightly employed, assists its possessors to activity and knowledge in all the concerns of life. This rightful use of political liberty is as simple as it is here important to be defined. Based upon laws that must indispensably maintain the public and the private privileges of the country or the race on which it is bestowed or by which it is acquired, it further needs to be raised by the virtue and the capacity of the individual, as well as by the strength and the integrity of the nation into whose hands it has been committed. In other words, a state may be called free, because it possesses political liberty, when its freedom, the existence of which cannot be denied, is of shallow springs, of turbid courses, and of bitter ends. The investigation of this apparent anomaly

will be the moral, so to speak, of the present history.

The monuments of antiquity have become the ruins of modern times. But the institutions existing in the remotest eras must have been sufficient, for a season, to the assistance and the preservation of the races amongst whom they were founded. As defences against actual evil, they endured until they were set up as barriers against coming good; when their destruction was as providential as their formation had been. No race of which the memory has been retained upon the earth ever lived for itself alone; nor are the purposes for which one after another was brought into existence to be now fulfilled by our admiration of their greatness or our compassion for their shame. Between India and Egypt, Egypt and Greece, Greece and Rome, or between any nations of any period and those of our own, there was and is the same general connection in all the common attributes and responsibilities of humanity.[1] "As travellers in a foreign country make every sight a lesson, so ought we," says Bishop Hall,[2] "in this our pilgrimage." Nor need we stand here, as from afar, to watch the distant flames; we can go towards them, if we will, to cheer our faith by the light they yet give in our day and generation. It is not merely to seek for things which have been con-

[1] "The largest portion of that history which we commonly call ancient is practically modern."—Arnold, App. I.; Thucyd. Mr. Carlyle says as truly, that "the whole Past is the possession of the Present; the past had always something true, and is a precious possession."—Hero Worship, lect. I.

[2] Art of Divine Meditation, ch. IV.

sumed, that we here return. There were "vanities," as St. Paul declared, at Lystra, of which we may take our account in thankfulness that they are for ever ended; but there are still the "witnesses," as the same apostle wrote, in which God is yet manifest,[1] and by which we may ourselves be strengthened and directed forward.[2]

"What seemed an idle hymn now breathes of THEE!"[3]

[1] Acts, XIV. 15 *et seq.* Romans, I 19 *et seq.*

[2] The reader is referred to Chapter VIII. for the conclusion of the preceding statements.

[3] Keble.

CHAPTER II.

INDIA.

"Humana. . . . . eum vita jaeeret
In terris oppressa gravi sub religione."
LUCRETIUS, I. 63, 64.

"A sway as absolute on earth,
As that which Indra proudly holds in heaven."
WILSON'S Mrichchakati, Act x.

THE first truth for men to recognise, however imperfectly, is their dependence upon a superior Power; a truth as full of terror to the heathen, as of consolation to the Christian. The earth to its early inhabitants seemed infested with mysteries which they could never clearly resolve; in their eyes, the rainbow and the thundercloud were equally dreadful; and wherever imagination was most active, the deepest solemnities and the greatest fears existed. Superstitious awe was the dominant principle of life; and so completely was it hindered from relief or tenderness, that its dominion could not but be overpowering and irresistible. The feeling from which it sprang can hardly be called faith; it was rather obedience to dark enigmas and cruel penances that crushed the mind or swayed the body without once reaching to the heart. The knowledge included in a system on this foundation would depend upon its interpreters; and the superiority they acquired in matters of belief would quickly extend itself over all

the public and private interests of life. The servants of the deities became the rulers of the worshippers. Their authority, whether equal or unequal among themselves, was one they claimed as their unalienable right; and the government they established was founded on the impotency and the despair of the inferior races of their fellow-beings.

The terror arising from a want of knowledge, and increased by a want of vigour, amongst mankind, was the foundation of the hierocracy in India,[1] or more particularly in the plain of the Ganges.[2] It happened there, as in many other places, that the characteristics of nature affected to a great degree the development of man. Bound in by mountain ranges and composed of vast proportions, the land was shaped out for impressions of wonder, magnitude, and repose. A bright and ardent climate, however, while it enervated the hardier qualities, excited the imagination towards infinity, and filled the mind with yearnings to know the powers by which the world was created, and the wills by which it was ruled. The earliest generations were content to hunt through the forest, or drive their herds from field to field; but their descendants were soon inspired by the glowing colours on the ground, the murmuring winds among the trees, or the lofty forms of the mountains, to break through chaotic barbarism.

[1] Thus Fr. Schlegel says we may seek the origin of all paganism in India.—Philos. of Hist., lect. v.

[2] "The holy land of Menu and the Puranas," says Professor Wilson, in his Preface to the Vishnu Purana (p. lxvii.), "lies between the Drishadwati and Saraswati rivers, the Caggar and Sarsooty of our barbarous maps."

These longings after a different manner of life were far from being universal; they stole into a few hearts only, and when these were made hopeful, there remained a larger number of the untouched and the hopeless. It was natural that the first to feel the influence should be the first to rule the men around them, though the habits of either class continued to be unformed and their capacities unexercised. It was scarcely necessary to build more than a hut beneath such summer heavens, or cultivate more than a patch of soil upon such fertile lands as belonged to the people of the Ganges. None of the graver cares for sustenance or shelter hindered their reveries in the world of speculation, to which they seemed to transfer the duties of the world wherein they indolently breathed. During this progress, however, from sensibility to contemplation and abstraction, the changes in the history of India may be said to have all occurred. Under the first impulses, the priests[1] rose up, and led the rest to conquests, after which the first rude laws were framed. Under the last, the meditations and the visions of the same priests, repeated continually, and continually enlarged, became the histories, the legal codes, and the books of faith, on which the past, the present, and

[1] And here one word of caution becomes necessary, lest the reader be disposed to compare the ancient priesthoods, so often to be mentioned in this history, with those of modern times. The Priest of Antiquity will be understood by remembering the Preist of the Middle Ages. He was not merely the minister of the idol or the deity, but a philosopher, a lawgiver, a prophet, besides being often the business or the professional man, and the soldier.

the future of their race alike depended. The Hindoo writings themselves confessed that "the universe was in obscurity, like a stream unseen."[1] Herein, nevertheless, flowed forth the gathering waters of civilisation; and though the Brahmins would have opened channels to their own lands and to their own fountains alone, many a rivulet would trickle, unperceived, to freshen the earth and its inhabitants, at least through India.

The progress from the earlier and more barbarous period to an improved and settled system was so rapid, that both its origin and its course are undistinguishable. India was a very distant country, as Strabo wrote,[2] even from his own land; and we cannot now clearly discover any relations between it and other countries until the time of the Persian empire.[3]

[1] "L'état d'enveloppement de toutes les parties de la nature humaine, tel est le caractère de l'Orient." This is one of Cousin's sweeping conclusions; but a true one.—Hist. Phil., leç. II. It is singular how human nature was so well wrapped up in India, that it has been kept in much the same state for thousands of years. The English oriental scholars study ancient and modern India together, because the two are so nearly identical.

[2] Ἀπωτάτω ἐστί. And, as the old geographer adds, Καὶ οὐ πολλοὶ τῶν ἡμετέρων κατώπτευσαν αὐτήν; and not many of our people have ever seen it.—xv. 1. §. 2.

[3] Herodotus, whose account is the earliest of any stranger's, is supposed to have derived his information from an expedition of Darius Hystaspes, about A.C. 509. Later reports resulted from the invasion of the great Alexander, which was, however, "a matter of very trifling interest" to the people of India.—Prof. Wilson's note to Mill's Hist. of India, vol. i., p. 169.

Herodotus, whose name will often appear in these pages, was born A.C. 484, and died about 76 or 80 years afterwards. He wrote the History of the Persian War; but introduced a variety of the most instructive and entertaining episodes concerning the other nations with whom his countrymen had any intercourse, or of whom they had any knowledge.

The people, certainly very numerous,[1] were probably of several different races, which had joined one another at various periods, in a common career of migration and conquest. At the time when their peculiar institutions seem to have been completely established, the country was divided into many small states, each nominally governed by its own prince,[2] though all were, in fact, united in subjection to the priests of their common religion. Vague traditions speak of long wars and great empires, as if the civilisation afterwards formed had struggled through force so violent and evil so real, that we may rejoice to know no more about them than we do. Further accounts of desperate strife among the higher classes of the people, as they were finally divided, bear witness that the power of the priests was not confirmed until they had destroyed[3] the strength of the race they were determined to rule. There is really very little to add to this simple sketch of ancient Indian history; neither dates nor names being of any avail,

[1] Herodotus, Hist., III. 94.

[2] It is not here necessary to enter upon the troubled inquiry concerning the communities, the municipal institutions of India. Whatever their origin may have been, the superintendents, as they were styled, of every large town or city, as well as the lords and officers of more extensive districts, were all appointed by the king, undoubtedly with the advice and consent of his Brahmin counsellors. (See p. 23.)—Menu, Ordinances, translated by Sir William Jones, and published with his Works, ch. VII., 114 et seq., 121. See Elphinstone's India, book II. ch. 2; Schlosser's Univ. Hist. of Antiquity, ch. II. § 2; Heeren's Researches, &c., upon India, § II.; and Mill's Hist., book II. ch. 3.

[3] The early heroes of India, canonized, as it were, in the poetry and mythology of the Brahmins, are all represented as having defended the priests against the warriors in the early wars. (See the Vishnu Purana, translated by Prof. Wilson, book IV.)

when they stand uncertain and alone. But the materials for describing the laws and the institutions of India are so abundant, that the only difficulty in the present chapter will be to use them sparingly.

A legend concerning the creation of mankind informed the people of India how the god Brahma received from the Supreme Being the power to create the universe and its inhabitants, and how from his head he formed the Brahmins, from his arms the Chatriyas, from his thighs the Vaisyas, and from his feet the Sudras.[1] A longer story was, that the Brahmin was made to study, in utter solitude, the Vedas, or books of divine wisdom, already composed for his instruction. But as he found himself in need of defence against the violence of the wild beasts with which the world was overrun, the Chatriya was created to defend the Brahmin's retirement. Both now were in want of food, and the Vaisya was added to the company, that the earth might be made to yield the fruits which the others had no time to seek for themselves. Another labourer still being required to serve the three in more menial occupations, the Sudra was then formed out of Brahma's foot, in order that he might be fit to bear the toil and the degradation of servitude.[2] No mere theory[3] would be

[1] Menu, i. 31. The names of the castes are very variously written.

[2] Creuzer, Religions de l'Antiquité, trad. Franç. i. p. 227. Each of these primeval men was furnished with a wife. (Cf. the account in the Vishnu Purana, book i. ch. 6.)

[3] The common theory traces the castes to the different religious ceremonies and duties which originated amongst families. (See Schlegel's Phil. Hist., lect. iv.)

half so intelligible as this tradition to explain the separation between the different castes, the absolute superiority of the highest and the absolute inferiority of the lowest. Each was rather a different race than a different order of men from the others. The doctrine upon which policy, as well as philosophy and religion, rested, was the utter inequality of mankind.

The Brahmin was a superior being, raised above the humanity to which his nature might appear to bind him.[1] No language seemed capable of describing the ineffable dignity of the place appointed to him in the world. He was not only "the chief of all creatures,"[2] but "an object of veneration even to deities,"[3] and was himself "a powerful divinity,"[4] by whose aid "worlds and gods perpetually subsist."[5] It is easy, therefore, to conceive the majesty and the dominion which the Brahmins claimed amongst their fellow-beings. They depended, as they declared, on themselves alone,[6] and the bounds of the universe, as they added, were alone the limits of their dominion.[7] They alone could study the Vedas,[8] the

[1] "Born above the world" is the expression in Menu, I. 99. There is a beautiful poem, "The Brahmin's Lament," translated by Mr. Milman, in which the wife of the Brahmin urges her husband not to mourn as though he were "of lowly caste." Such a glimpse into things goes a great way to explain the position which the Brahmins held, and the notions entertained concerning them.

[2] Menu, I. 99.

[3] Ibid. XI. 85.

[4] Ibid. IX. 319. Cf. § 317.

[5] Ibid. IX. 316.

[6] The words in Menu (XI. 32), are these:—"His [the Brahmin's] own power, which depends on himself alone."

[7] "Whatever exists in the universe is all, in effect, though not in form, the wealth of the Brahmin; since the Brahmin is entitled to it all by his primogeniture and eminence of birth." Menu, I. 100.

[8] These holy books were not to be studied by any without the aid

sacred books, whose knowledge was supposed to make its possessors omnipotent on earth and acceptable to the supreme beings from whom it was derived. But instead of communicating the light and the strength they thus exclusively received, it was rather their pride altogether to deny to others the assistance which a race of ignorant and helpless mortals would incessantly require. They had neither to instruct, nor to sacrifice, nor to pray, except in their own behalf and for the sake of their own "ultimate happiness;"[1] and the phantoms which haunted the mountain and the plain, the river and the glade, were evoked rather than appeased by the priesthood, to whom alone their emptiness was known. The distinction between the learned and the unlearned was here at once apparent. On one side, the priests commanded without believing; on the other, the people believed, not because they were ever taught, but because they were commanded;—knowledge having become the power, not only of subduing nature, but of degrading, or, at all events, of overpowering, the great mass of mankind.[2] The secret of the Brahmins' despotism, which many of its subjects must have often regarded with amazement as well as abhorrence, lay in the confidence they professed to receive from the divinities, which imparted only doubt and dread to other men.

of a preceptor.—Menu, II. 116. The Doctors, as they may be called, were of the highest class amongst the Brahmins.

[1] Menu, I. 98.

[2] "Leur but n'était pas d'éclairer, mais de dominer."—Condorcet, Prog. de l'Esp. Hum., p. 65.

The same class, deriving supreme authority from the offices and the mysteries of their priesthood, were the sovereigns of the whole land and of all its inhabitants. As lawgivers, they alone were able, not only to establish, but to interpret, the forms of justice, which they also, in great part, put into execution.[1] A judge, in one of the old dramas, describes his duties in language that sounds as well to our ears as to those which first heard it. "A judge," he says, "should be learned, sagacious, eloquent, dispassionate, impartial; he should pronounce judgment only after due deliberation and inquiry; he should be a guardian to the weak, a terror to the wicked; his heart should covet nothing, his mind be intent on nothing but equity and truth."[2] But though this might be said and heard openly, the drama, as well as every other vehicle of cultivation or expression, was under the control of the Brahmins; so that any sentiments to which it gave utterance were tolerated by them, not breathed against them. It is more to our purpose to observe, that the duties of the judge, as one of the sovereign class, were intended to be observed towards his own order, and towards this alone. No words, at any rate, could make the Brahmins responsible; their authority was universal over religion, government, property,[3] and the occupations and habits of private life; but there was no

[1] Menu, VIII. 1.

[2] The Mrichchakati, or The Toy-Cart, a drama written probably before our own era, and translated, twenty years ago, by Mr. Wilson, in his "Hindu Theatre." This extract is from act IX.

[3] See note 7, p. 18. The question of property is a disputed one.

claim upon it from those it swayed with absolute dominion. In the acquirements and the powers they themselves possessed, compared with those of the other castes, their title to such superiority rested upon grounds that were then, at least, indisputable; and it is in remembering how the development of the higher qualities of the human mind was confined entirely to them, that their liberty, though it was but the narrow freedom of a single class, assumes the importance it really deserves in the history of universal civilisation.

It will presently, however, appear that the liberty which the priesthood retained from the rest of their race could redound but little to their own activity, however powerful it might at first have assisted them to become. But, for the moment, we have some view to take, as rapidly as is consistent with our purposes, of the inferior castes, whose condition, however painful, will exhibit more exactly the preëminence of the Brahmins. The highest of these subject castes was that of the Chatriyas or warriors, perhaps subdued by the priests in earlier wars, perhaps attaining to the estate they held in after times through the victories they gained in concert with the Brahmins. They could give alms, it was said in the law, but receive none ; they could read, but never expound the holy volumes of their people ; and as if these distinctions were but the foundation of their subordination, it was further enjoined upon them, that they had no duty "superior to fighting," [1] nor any object except to obey the Brahmins, and live in the

[1] Bhagvat-Gheeta, Eng. transl., p. 38.

magnificence which characterised the rich, or the easy discipline to which the poor amongst them were constrained. The season of "fighting" appears soon to have passed away; and a campaign, did it occur, would scarcely rouse the Chatriyas to dangerous conflicts, if the habits of war corresponded in any degree to those of peace. It is worth adding, that the Chatriyas, though they had been more martial than they really were, would have still been quite incapable of resisting the skilful and encroaching management of their superiors.

From the same Chatriya caste, a king, or a chief-warrior, as he ought rather to be called, was appointed to play the nominal sovereign over each community and state. His function was "conquest;"[1] his duty, "never to recede from combat;"[2] and yet he might be destroyed, "with troops, elephants, horses, and cars," according to the pleasure of the Brahmins.[3] As for civil authority, there was none that the king could independently possess or exercise. His reign, if such it can be styled, began with the instructions of the priesthood; and from any powers with which he was invested, the broadest exceptions were made in favour of the same august and inviolable caste. "Dying of hunger," the king could lay no charge on a Brahmin;[4] nor could he condemn a criminal to death, if he were a Brahmin, though "convicted of all possible crimes."[5] The

[1] Menu. x. 119.
[2] Ibid. vii. 88.
[3] Ibid. ix. 313.
[4] Ibid. vii. 133; ix. 313.
[5] Ibid. viii. 381. So he who knew the sacred texts—that is, the

old drama of Sacontala[1] contains a delightful picture of a monarch who "had felicity at his command," and was capable of fulfilling the desires natural to a bold and a merciful heart; but this was poetry. The reality is still to be observed in the laws of Menu, ancient, perhaps, as any other code in history, that royalty was but an office in the gift and under the dominion of the Brahmins.[2]

The people, properly speaking, of India were composed of the Vaisyas and the Chatriyas, as the middle and the lower classes below the superior Brahmins. The Vaisyas were the husbandmen or farmers, and the tradesmen;[3] with whom alone industry was honourable, in remembrance of the tradition which made their existence indispensable to the warriors and the priests above them. They had the privilege of offering certain sacrifices and of receiving some limited instruction in the holy writ-

Brahmin, had only to repeat a few of them in order to be absolved of his greatest sins.

[1] See the translation in Sir William Jones's Works, vol. IX. pp. 462, 463, 466.

[2] There is a passage in the laws of Menu, in which the Brahmin's power, dependent on himself (note 6, p. 18), is particularly described as "mightier than the royal power, which depends upon other men." —Menu, XI. 32. In the charming Sacontala, the King Dushmanta makes the frank confession, that the Brahmins must be obeyed; for that "holy men are eminent for patient virtue, yet conceal within their bosoms a scorching flame," &c. (Act II.) In the same drama we see how the king does not esteem himself worthy of a Brahmin's daughter (act I.), and how the same good monarch is represented as bearing mildly with a Brahmin's censure. (Act V.) So in the Vishnu Pur., we have an instance of the vanity of a king's attempts to set himself free from the Brahmins, book IV. ch. 13. See the same chapter for another account, besides those already given, of the royal virtues.

[3] Menu, I. 90.

ings; but they were not secured against exactions or injuries from stronger men than they were themselves. Their weakness as a caste, and their insecurity as individuals, were the source, undoubtedly, of many bitter evils; but in a land whose soil was so prolific, the Vaisyas must have lived without much hardship, except when their crops were carried away or their dwellings plundered by the invader or by their own marauding countrymen.

The Sudras were the slaves of the three other castes;[1] and however ingeniously their condition has been represented[2] as tolerable in comparison with the slavery among other ancient nations, it must be confessed that they were most unhappy beings. Even though emancipated by his master, the Sudra could never be released from servitude.[3] The doom pronounced upon the caste by the great god Brahma was remembered from generation to generation; and the Sudra was deprived, not only of all present comfort and independence, of the right of property,[4] and of social happiness, but of hope itself, which seemed to be too sacred for the slave to know. He could receive no instruction in the law, no "spiritual counsel" of any kind.[5] The mysteries of earth and heaven would have appeared polluted in his possession, and not even the "remains from a Brahmin's

[1] "One principal duty the Supreme Ruler assigned to a Sudra—namely, to serve the before-mentioned classes."—Menu, I. 91.

[2] As in the notes by Professor Wilson to Mill's History, vol. I. pp. 194 and 198 particularly.

[3] Menu, VIII. 414.

[4] Ibid. VIII. 417; X. 129.

[5] Ibid. IV. 80, 81.

table"[1] were for the Sudra's gathering. This degradation of the slave is clearer, perhaps, than the humiliation of the upper castes, upon whom the authority of the Brahmins was nevertheless fast bound. But, in comparing the condition of the Sudra with that of the Vaisya or the Chatriya, we can measure the change between the civilisation of the priests and the system of things which went before.[2]

But beyond the laws of the priesthood it was not intended that there should be any further progress; and the castes, as they have been defined, were declared to be fixed and immovable. There was an ideal standard, it is true, to each;[3] but the Sudra could never hope to be a Vaisya, nor was it possible for the Vaisya or the Chatriya, though neither was a slave, to reach a higher place than that in which he had been born. None would find it practicable to rise by services more eminent than his caste was expected or entitled to fulfil; for the laws denied him any other reward than what his birthright suffered him to receive. The superior regarded his inferior with contempt; the inferior looked up to his superior with despair. A great object with the Brahmins was to preserve this isolation of the castes,

[1] Menu, iv. 80.

[2] "Perchè la legge teocratica," says the Italian historian, Micali, "è veramente la prima delle sperienze politiche messe in opra a mansuefare uomini fieri e materiali, ed a condurli quietamente a vita ordinata."—Stor. Antichi Popoli Italiani, cap. xxi.

[3] "Devotion," the law declared, "is equal to the performance of all duties; it is divine knowledge in a Brahmin; it is defence of the people in a Chatriya; devotion is the business of trade and agriculture in a Vaisya; devotion is dutiful service in a Sudra."—Menu, xi. 236. Cf. the Vishnu Purana, book iii. ch. 8.

and even of the families of their subjects. They insisted upon purity of descent, visited the offspring of a mixed marriage with the heaviest penalties,[1] and guarded the rights of the women in each separate order with as much solemnity as if they had been on the same footing with the men. But the charms of the mother and the wife were lost in the polygamy which the laws allowed.[2]

It need not be imagined that these various divisions and institutions appeared of old so formal or so oppressive as they have been here described. In the times antecedent to the period of our inquiry, before the laws and the habits of the dwellers by the Ganges were such as we have found them, there had been a priesthood, distinguished by its energy and its violence, amongst the tribe or the tribes to which it belonged. It was undoubtedly through force as much as through wisdom, that its authority was established, and transmitted unbroken to its posterity. But the priests of later years were distinguished for something else than energy. They brought themselves into close intercourse with the

[1] The child of a mixed marriage was always degraded to one of the mixed castes, the most inferior of all. The offspring of a Sudra and one of any other caste, for instance, was condemned to a condition still lower than that of the Sudra pure. Taking the number of the pure, the mixed, and the impure castes together, there were more than eighty in all. Each of these would be separated from the others either by pride or by degradation. See Heeren's Researches, &c., Asia, part III. sect. 2.

[2] See Menu, ch. v. and IX. There is nothing more amusing in all the Hindoo writings than the injunctions of the Vishnu Purana concerning the choice of a wife, from whom it is confessed that "great benefits" may be derived.

abundant and the glowing nature which met their eyes and provoked their wonder; they penetrated, in part, at least, within their own minds, and discovered how they might be uplifted by knowledge, of which their forefathers had never dreamt. Theirs were the powers, eminent above the inactivity and the ignorance of their people; and to them belonged, nearly as of right, the liberty in which their powers could be employed. But they or their successors appear to have speedily passed into still another phase. Uncontrolled by truth or by sympathy, to which they had scarcely aspired in all their toils, they exalted themselves, whether they knew or knew not better, at the expense of their fellow-beings. Others were content to obey them with reverence for the authority and the knowledge so far superior to their own; though the abuses in religion and in government to which the system of the Brahmins was exposed, were seen, in time, to lead either to reform or to degradation.

The reform came first in the history of the Brahmins. Earlier traditions of wars and conquests and empires had been succeeded by the castes and the laws which seemed to be established for ever. But other accounts now follow these, bearing with them a few indistinct outlines of a great history. Here it can be but briefly mentioned, that the name of Bouddha[1] belongs to a spirit of resistance against

[1] The name in full was Bouddha Sakia Muni. In after times, at any rate, the name of "Bouddha" alone was generally equivalent to the English "Saint."

oppression and of progress towards freedom, which appears to have been for once excited, even in immovable India. Whether the traditions be connected with one man or with many men, it is equally reasonable to believe some earnest effort to have been made to reject the doctrines and the practices of the Brahmins, and to create in their place a more liberal government and a simpler faith. According to these new principles, however they were proclaimed, the whole constitution of exclusive and hereditary castes was to be done away, and some glimpses, at least, of general freedom were to be revealed. The first subject of reform was, of course, the priesthood. A new hierarchy was proposed, which, taken from all classes, was to exercise authority over the religious affairs alone, which formed its peculiar charge.[1] The royal power was at the same time to be increased at the expense of the usurping priesthood; while every part of the political system would be affected through the changes by which the hierocracy was undermined. But the reform of Bouddha was still more distinguished, if we trust tradition, for the purer and juster precepts set forth concerning the nature of man and the service of his divinities.[2] The Brah-

[1] A more thorough description is given in Creuzer's great work, book 1. ch. 5, of the French translation.

[2] In the play of Mrichchakati (act VIII.) there is a hymn of a Bouddhist, one verse of which may be taken for a sample of the whole:—

"Why shave the head and mow the chin,
Whilst bristling follies choke the breast?
Apply the knife to parts within,
And heed not how deformed the rest:
The heart of pride and passion weed,
And then the man is pure indeed."

mins confounded the Supreme Being, of whom they had some indistinct imaginations, with the animate and inanimate objects of creation; while the Bouddhists, as if to secure the purity and the superiority of the Deity, believed in the other extreme of an abstract nature and a passive existence. Neither, therefore, were likely to obtain much comfort from their creed; but in an age of idolatry and polluted worship it was better for man that his Divinity should be removed beyond the reach of offensive superstition.

In after times, the appellation of Bouddha became synonymous with some divine intelligence; but there seems to be no reason for doubting the traditions concerning the life and character of a mortal of this name. He was by birth a Chatriya. Disturbed by desire either for distinction he could not acquire under existing institutions, or else for truth he could not wrest from out the religion of the Brahmins, he became an anchorite, and afterwards a teacher. It is doubtful whether he and his followers excited immediate alarm, or whether he continued to lead a lowly life, imparting his principles to a few disciples, by whom they were afterwards greatly modified, and upon whom, in much later times, a dire persecution fell. The most probable account,[1]

[1] Bouddha's death is supposed to have taken place A. C. 543, while the expulsion of the Bouddhists from India (Hindostan) is commonly fixed at about the sixth century of our own era. No doubt, however, exists in relation to the Bouddhist colony in Ceylon, more than five centuries before our Saviour; and so remote a settlement would scarcely have been made, except under persecution.

judging from the common relations concerning the reformer, is, that he was himself overcome by the omnipotent caste he had dared to assail ; while some of his followers, not yet in any numbers, survived to instruct their successors in the moral doctrines of their master. The Bouddhists were then the mendicant friars of India; and the humble lives they led, as well as the favour of the kings and the conversion of many amongst all classes to their comparatively unpretending principles, protected them against the consideration or the anger of the Brahmins, satisfied, as these were, with their early victory, in which Bouddha perished.

Be this as it may, there are none but meagre accounts[1] of a strife by which India must at some time or other have been convulsed,—the more unsatisfactory because they leave the reforms of Bouddha in almost total obscurity. The Brahmins, who triumphed by means easily conjectured, would naturally seek to obliterate all traces of the conflict in which their divine rights had been assailed. The voices against them must have had a noble tone; but they ceased, and their echoes were transported into other lands,[2] where they were changed and dead-

[1] Consult Elphinstone's History of India, vol. i. pp. 209-213; and compare an article by Professor Salisbury, on the "History of Buddhism," in the second number of the "Journal of the American Oriental Society."

[2] The missionary enterprises of the Bouddhists were very remarkable, especially as the activity with which they were conducted was in such direct contradiction to the habits and the feelings of their countrymen. The religion of Bouddha, then separated from his political system, was taught throughout the centre and the east of Asia.

ened. Only the superstition, dim and fearful, remained in India, that the world had at one time become so excellent, and the Brahmins so little distinguished by their virtues, that the god Vishnu was fain to assume the shape and the name of Bouddha, in order to pervert the minds of the inferior castes by evil teachings, which should bring them back to sin and shame.[1] It was by such interposition from their heaven that the Brahmins were content to have preserved their preëminence on earth.

The reform, of which we know scarcely more than the name, having been attempted in vain, there was no other sign of hope or progress in the people of India. "Immemorial custom" became transcendent law,"[2] and the one great power of the Brahmins overshadowed religion and government and common life. Even their own liberty dwindled. The labours of the higher minds were more and more devoted to the revelations of deities and the commentaries of priests. Poetry was obliged to diffuse its ardour over the ponderous mythology to which it was enchained, and philosophy, as was only natural, completely lost itself in the vast and unending inquiries suggested by a vain theology, not by a true humanity. If it were true, as the code affirms, that a priest who went through the whole Veda was "equal to a sovereign of all the world,"[3] it could only be in reference to the authority of his order,

[1] For a different version of this and other traditions concerning Bouddha, see Coleman's Mythology of the Hindus, ch. xii. part 1.

[2] Menu, i. 108. [3] Ibid. ix. 245.

and not to the majesty of his knowledge. Intellectual cultivation was still childish and imperfect. It attempted various pursuits, but followed a straightforward or a well-directed course in none. There seemed to be too much impulse and too little wisdom, too much aspiration and too little accomplishment, in all things; the more so, that the aspiration and the impulse were purely speculative. Neither climate nor constitution will account for this universal barrenness of action and of meditation. The preponderance of one class, and of that class only, is alone a sufficient reason for its own inactivity and for the degradation of a whole people. Deep within the mountains of India are still the temples which were buried in darkness by the toil and the superstition of long-forgotten generations; but though they be solitary now, there may be seen in them the images of feelings, heavy, bewildering, and obscure, with which the living men, as well the priests as the worshippers, who thronged them once, were overpowered.

The character of the Brahmins themselves is nearly all that can be rescued from the profound obscurity in which the lives of them and of their subjects are concealed.[1] Their system, as we are now, at last, prepared to judge it, was one of twofold operation, in the authority it established and in the

[1] Unless it be possible to sketch the habits of the people from their laws, which would be much beyond the limits of the present chapter. The reader is referred to the Vishnu Purana, book III. ch. 9, for a particular instance in the duties of the "householder."

repose it encouraged. The dominion which the Brahmins possessed is thus to be immediately connected with its results in relation both to its possessors and its subjects.

There was a tendency to stagnation in the Brahmin civilisation, as its own theology acknowledged. "I make myself evident," said the god Krishna, "as often as there is a decline of virtue and an insurrection of vice and injustice in the world; and thus I appear from age to age."[1] It was a greater want of progress than the Brahmins themselves desired, that thus needed to be supplied by divine appearances on earth. But none the less universal was their desire to invest their institutions, religious and civil, with eternity. To this end, laws and doctrines without number were heaped together, as if to barricade the way to truth; and there, within the strange fortification, the priests stood sentinels, with quick-eyed watchfulness against the occupations, the affections and the passions[2] by which they seemed fearful of being surprised. It was not long either necessary or possible for them to keep their post. The subjects or the assailants whom they dreaded soon ceased to try the guarded way, and crept among the narrower paths yet left them free; while the priesthood garrison relapsed into scorn and negligence from which

[1] Bhagvat-Gheeta, p. 52.

[2] The intellectual, not the sensual, passions; for debauchery and effeminacy were tolerated, sometimes encouraged. It is a great puzzle, however, to reconcile the actual lethargy of the Brahmins with their recommendations (addressed, indeed, to themselves) to activity. (See the Bhagvat-Gheeta, pp. 43, 44, 53, 58, 60, or the Appendix to Robertson's Ancient India.)

there was not a desire or a fear to rouse them forth.

Within the repose, as they termed it, which ensued, there lay the principles which bound the priests one to another, and the other castes to them, by lassitude as well as by superstition. The promise of the same god Krishna, that, "if one whose ways were ever so evil served him [and, of course, his ministers] alone, he would be as respectable as the just man,"[1] could be believed and acted upon only by men whose intellectual and moral natures were composed to uninterrupted slumber. It may be, that progress from the state they had already reached was the more difficult, because their civilisation had been so early founded[2] and so rapidly settled; for almost any error in faith or in government would be natural to early times and to an imaginative and a warm-blooded people. To do the Brahmins full justice, their laws ought to be more fully transcribed;[3] although there is nothing in them which does not easily cor-

[1] Bhagvat-Gheeta, p. 82. Cf. the Vishnu Pur. book III. ch. 11. "Let him [the wise man] abstain from virtuous or religious acts, if they involve misery or are censured by the world." See also book VI. ch. 5.

[2] "We may so far accede," says the historian of British India, "to their [the Hindoos'] claims of antiquity, as to allow that they passed through the first stage in the way to civilisation very quickly, and perhaps they acquired the first rude form of a national polity at fully as early a period as any portion of the race. It was probably at no great distance from their time, &c., that those institutions were devised," &c. Mill's History, book II. ch. 1.

[3] See Sir William Jones's translation of Menu, Colebrooke's Digest, and Mill's History, with Wilson's notes, book II. ch. 4. These laws go farther than any general description, to explain the progress from an earlier condition of things. The third book of the Vishnu Purana contains the laws in all their absurdity of detail.

respond with the outlines of their system, as they have here been drawn. The character and the influences of their religion need be no further told. In this, as in the laws we have actually read, there is but the beginning of civilisation ; and the purity of which a true religion permits the expression, and the vigour of which a true freedom allows the exercise, could no more exist in this beginning, than the air can be soft or the sunshine perfect when clouds trail heavily through a winter sky. The trouble was, that the Brahmins would have hindered the heavens from clearing ; they threatened an eternity of gloom in their metempsychosis, which kept the souls of men afar from the great substance into which they hoped to be received; and taught, as if too obvious to threaten, an eternity of subjection in the different heavens to which each of the castes was separately summoned.[1]

Some words, at least, there are which would persuade us to believe that the spiritual life of the more thoughtful was not bereft of holy visions and upward hopes. Again we trace the influences of the outward world, to whose magnitude and luxuriance the Brahmin was so apparently alive. He could not behold the effulgence of the skies, the serenity of the mountains, or the various clothing of the plains belonging to his land, without an aspiration after the truth,

[1] "The heaven of the Pitris is the region of devout Brahmins. The sphere of Indra, of Chatriyas who fly not from the field. The region of the winds is assigned to the Vaisyas, who are diligent in their occupations, and submissive. Sudras are elevated to the sphere of the Gandharbas." — Vishnu Pur., book i. ch. 6.

to him imperfectly and sensuously known. The common drama describes a man, "the treasure of manly virtues, intelligent, liberal, and upright, who in the plenitude of his virtues might be said to live, while others merely breathed."[1] With greater solemnity the poem of diviner authorship acknowledged a "spiritual application of the soul, exceeding even the word of Brahma."[2] Above all, the law, by which heaven and earth were believed to be secure, confessed that, "of all duties, the principal is to acquire a knowledge of one supreme God," as "the most exalted of all sciences," the only one which "insures immortality."[3] Perhaps the real explanation of the brighter gleams in all the ancient systems is, that they are the twilight[4] of the evening to some day that was passed, or of the morning to another day that was yet to come. But be this as it may, the Brahmin, who alone was able to remember, was utterly unable to hope.[5]

[1] The Mriechakati, act I.

[2] Bhagvat-Gheeta, p. 67.

[3] Menu, XII. 85. Compare the Bh.-Gheeta, pp. 45, 55, 115.

[4] The ἀρχαῖός τις λόγος καὶ πάτριος πᾶσιν ἀνθρώποις, which Aristotle describes, De Mundo, VI. ed. Bekker. Cf. Cic. Tusc. Quæst. I., 13. And see Leland, Christ. Rev., part I. ch. 2.

[5] The following passage needs no comment; it is from the Vishnu Purana, book VI. ch. 5. "Enveloped by the gloom of ignorance, and internally bewildered, man knows not whence he is, who he is, whither he goeth, or what is his nature; by what bonds he is bound; what is cause, and what is not cause; what is to be done, and what is to be left undone; what is to be said, and what is to be kept silent; what is righteousness, what is iniquity; in what it consists, or how; what is right, what is wrong; what is virtue, what is vice." Such is the epilogue to the liberty of a heathen hierocracy!

CHAPTER III.

EGYPT.

"Time . . . . . indeed innovateth greatly, but quietly, and by degrees scarce to be perceived."—Bacon, *Of Innovations.*

"Regiam civitatem Ægyptii . . . . invenere."
Pliny, *Nat. Hist.* vii. 57.

The narrow valley of the Nile, encompassed on either side by desolate mountains and encroaching deserts, was crowded full of inhabitants in the earliest times of which the memory has been preserved. Nowhere had the human race more rapidly multiplied; yet nowhere, also, were the common resources of labour more inadequate to its subsistence than in a country of such moderate extent and such slender soil. Every year, however, witnessed the return of an almost miraculous relief to the wants of the people, who would have perished had they depended upon the labours of their own hands alone. In summer and autumn, the river by which they dwelt poured, as at the same season it still pours, its overflowing waters above the level lands upon its banks, not only moistening the seeds in the ground, but increasing the soil with fertilising deposits from its own channel. The feverish air was cooled; the exhausted earth was strengthened; and the whole

people betook themselves to festivals,[1] while waiting for the waters to subside, and the country to bud and bloom anew, as with the life of spring.[2]

But the very rising of the flood, to which the Egyptians owed their lives, obliged them to undergo unusual toils; to build their dwellings with especial care, and to seek expedients of cultivation and sustenance which were necessary to no other people, at least to no other so numerous. As population multiplied, labours increased; trade followed upon agriculture, and larger numbers than the land seemed able to support found means to live by various employments of a lower or a higher kind. The temple rose in solemn and stupendous forms. The city gathered round it in masses of walls and columns, that still uphold themselves. The long canal was dug to supply the thirsty fields in which the living toiled. The pyramid was piled in enormous proportions upon the sands, to give the dead a resting-place. Upon all these a countless multitude was set to labour, day after day, and century after century, at the same time that the priests who ordered the temple were learning the secrets by which it might be constructed and hallowed; at the same time, also, that the warriors and the kings of a later generation, for whom the pyramid was reared, were struggling in arms to drive out invaders, and keep the land and the people of Egypt to themselves. The field, the market, the conflict, the places of study

[1] Of which Herodotus gives a quaint account, II. 59, *et seq.*

[2] "Where Nile, redundant o'er his summer bed,
From his broad bosom life and verdure flings,
And broods o'er Egypt with his watery wings," &c.—GRAY.

and of mystery, were all alike, to one and to another class, the scenes of industry, and, in a greater or less degree, of power. The feeling for nature, which a wider and a more majestic country might have inspired did not touch the Egyptian, who, in the early times, at least, was driven to toil and enterprise. One sort of labour was for the people, and another for their rulers; yet the hum and the haste of a busy race must have been originally the lot of all. It is to be hoped, therefore, that the inaction of another hierocracy will not be found amidst the nation to which we now are turning.

The Egyptian conqueror, Ramesses, or, as he was commonly called, Sesostris, of greater fame than any king before him, was said to have carried his arms into India, and to have left behind him there some of the monuments he was in the habit of erecting to his own glory[1] in the countries he subdued. It would be difficult to believe, though this tradition were true, that the institutions of India were much affected by the transitory conquests of the Egyptian hero, or, on the other hand, that the institutions of Egypt were changed according to the system which

[1] The inscriptions upon them were to "the king of kings, the lord of lords, Sesostris."—Diod. Sic. Hist. i. 55. One of these has been found near Beirout, on the old Phœnician coast. There were other traditionary expeditions from Egypt to the East before Sesostris. Osiris, the god, had penetrated as far as the Ganges, and Osymandias, the king, had conquered Bactria. See the account of the earlier Sesostris (of the 12th dynasty), in Manetho.

Diodorus Siculus (the Sicilian), just quoted, wrote a universal history, extending from the earliest period to that in which he lived, near the close of the old era. Of the fragments of his forty books, the most valuable relate to the history of the East Egypt, and Greece.

prevailed among the distant people who were too feeble to defend themselves. Such an expedition, however, would scarcely have been attempted without some previous intercourse between the countries. The priests of one nation might have learned their secrets, in part, at least, from those of the other; or both, as is more probable, may have been instructed from a common source. There may even have been, for a time, a continued communication from one priesthood to the other, although it must have suffered from interruptions which would finally put an end to it altogether. But the very name of Sesostris, and the achievements recorded of him as a single man, point to differences too great to admit of any close relations between the institutions which gave rise to them and those which were established by the Brahmins. One race may bear resemblance to many other races under nearly similar circumstances of origin and development; but it is because the human body and mind are everywhere formed according to principles so similar as to lead to similar results among different nations, be they ever so widely separated.

The institutions of India, in the immovable and unmixed character of the hierocracy they established, have deserved the precedence in our inquiry; but Egypt, whose people were regarded of old[1] as the most ancient of the universe, will always be considered as the peculiar land of antiquity. It seems especially to date its origin from the cloud-land into

[1] Aristot. Pol., VII. 9, 5.

which the eye of man can never penetrate. Its civilisation was supposed to have come from the South,[1] and to have been spread through different settlements in the valley of the Nile. Coming with stranger priests, as is most probable, or with stranger warriors, it was, at all events, derived from abroad, and was diffused amongst various states, in part already existing, in part formed by the new comers. The priests were regarded as the founders of religion and law; and the warriors, who may or may not have accompanied them, as the instruments of conquest,—the servants, in fact, of the civilisation to which the priests alone were thoroughly admitted in the beginning. The superstition of an early race, and the force by which the victory would be gained, in case superstition failed, were at the foundation of the Egyptian institutions.

The earliest chiefs, or kings, undoubtedly taken from the priests, were afterwards, perhaps in the beginning, considered to be divine in character or in authority. As the divided states were united and reduced to more moderate numbers, the power of the warriors, by whose victories the union, however imperfect, may have been accomplished, would become more prominent, so that their voices would be heard in the election of their monarch. Many years, which we cannot now number, must have elapsed before the kings were chosen directly from the warriors; and even then the choice would be restricted to the most eminent men of the order thus climbing to the royal

[1] Diod. Sic., III. 3.

power, which the priests, under the claim of gods, had hitherto monopolised. A great name, Menes, is recorded as "the first of men" who reigned over Egypt,[1] and he may have been thus described because he was the first of the warriors who came to be king. He is supposed to have been the founder of the unity in which the multiplied states of Egypt were combined in one great nation under their inherited institutions.[2]

But the materials for the foundation which Menes completed had been prepared through centuries of an earlier civilisation. Though he was a warrior, the chief of some unknown and successful revolution, the priests could not have been overthrown. They would still remain at the head of the progress which had been made amongst themselves; and their knowledge still seemed indispensable to the security of the newly established empire. They became the interpreters of religion and the ministers of law; their laws, indeed, remained, for the most part, unchanged; while the power they possessed in virtue of science, the only science yet existing, would be altogether undisturbed. The authority of superstition was not to be shaken off; and the kings were submissive to the deities of the priests, if not to the priests themselves. Besides, the monarchy was, at first, elective; dependent chiefly upon the suffrages of the priest-

[1] Herod., II. 4.

[2] "Menes created in the Egyptians a sense of their national unity distinct from all other nations, as Charlemagne did in the Germanic tribes."—Bunsen, Egypt's Place in Univ. Hist., vol. I. p. 444, Eng. translation. If he did so, it was a great work; for perhaps no nation, except the Jews, ever had so much unity as the Egyptians.

hood, and entirely subjected to the forms which it belonged to the priesthood to prescribe. In time, however, the royal power became hereditary[1] and independent; but it never rose superior to the power which preceded it,—not, at least, until the peculiar institutions of Egypt were changed by strangers and conquerors.

Neither the original civilisation nor the succeeding monarchy was established without cruel and repeated contests. The frame of the Egyptian does not appear to have been fit for bearing arms; but the history of all antiquity, if it could be revived, would bear witness to warfare so universal, that no nation, no generation even, would be found to have lived in unbroken peace. The early tribes of Egypt had their struggles amongst themselves; and the strangers, priests or warriors, no sooner conquered the native races than they turned their arms against one another. The shepherd kings, or Hyksos, as they are uncertainly named,[2] broke in from the East; the Ethiopians from the south; and many series, as it were, of conflicts and victories ensued, before the single throne of Sesostris, the liberator as much as the conqueror, was established. Under him, at last, the country was free, for a season, from invaders and from internal wars.

In this sketch of various and long-continued warfare we have the main outlines of Egyptian history.

[1] See Pastoret, Hist. de la Législation, tom. II. ch. 6.

[2] See the fragment of Manetho in Cory's Collection of Anc. Fragments, p. 170.

The shades of the earlier time are so profound, so accumulated, century upon century, that no learning appears capable of throwing light upon much more than a phantom roll of kings, at whose head, as already mentioned, stands the name of Menes. Other names, as little known as his, succeed, grouped into masses by ancient and modern chronologers, but restored to simple outlines, not to the full proportions that may have once belonged to them. The Old Empire, begun by Menes, was continued under eight-and-thirty sovereigns, whose reigns are now supposed to have extended over a period of nearly eleven centuries. Next followed the Middle Empire, during the course of which a race of foreign kings appears to have ruled at Memphis, while the Egyptian sovereigns, fifty-three in succession, kept possession of Thebes. The duration of this divided empire is supposed to have been a little more than nine hundred years. It was succeeded by the New Empire, founded by the expulsion of the stranger, and the restoration of the native princes. Near the beginning of this later period, the name of Sesostris stands as that of the liberator, the king, and the conqueror; near its close, many centuries afterwards, is that of Amasis, under whom the independence of Egypt was extinguished by the conquests of Cambyses, the Persian king. The most striking features in the Egyptian institutions belong to the New Empire; and as we have already investigated the character of a hierocracy in India, we can turn at once from the early ages of hierocracy in Egypt to

the later period, when human government assumed new principles and new forms. At the same time, there must be a frank remembrance of the nearly countless years which went before.[1]

In the midst of wars, and during the succession of periods in Egyptian history, the firmness of the early institutions is scarcely altered. The invaders could not overthrow the civilisation of the people, who retired before them, instead of remaining in their subjection; and when the Egyptians, set free from the strangers, returned to their usual labours and places of abode, they or their rulers were as jealous of innovation as their fathers could ever have been. One change, perhaps, is to be observed; but it is as conjectural now, as it was then transitory. Of whatever race were the Hyksos who overran Egypt, whether Arabs or Scythians, their example of adventurous conquest proved contagious to the Egyptians at or very near the time of their expulsion. The marches of Sesostris were in imitation of the wanderings of the shepherd kings. But the temper of his subjects was not inclined towards foreign warfare. They had been educated for many generations in the habits of obedience and of patient toil; and though the liberation through which they passed may have been an impulse to aggression and dominion, the habits of former time were soon

[1] According to this chronology, derived from Bunsen's labours upon Egypt, Menes would have reigned about A. C. 3650. Sesostris belongs to the nineteenth dynasty, his own name being Ramesses, as has been mentioned. See the tables of Manetho ap. Bunsen, book I. sect. 1, ch. 5; and in Cory's Collection of Anc. Fragments, pp. 110, 118.

renewed. The laws of Sesostris himself were of much greater importance than his conquests;[1] by the latter, indeed, had they been preserved, the great object of the laws he received and the laws he made, the national unity, would have been endangered. Under him, the class on which the monarchy chiefly rested, and by which the liberation of the whole people had more lately been accomplished, was exalted to the position of an independent order. Wars and conquests resulted, at last, in the elevation of the warriors, as well as in the union of the monarchy and the priesthood in authority. Egypt was divided into thirty-six districts or nomes, over each of which was set a nomarch,[2] appointed to administer the local government, and to collect the contributions of the nome to the dignity and the strength of the empire. Every district had its peculiar temple, to which an especial deity and a full complement of priests were formally assigned. The people, numbered according to their nomes,[3] so that their submission to the priesthood in the temple, and to the king in his own person or in that of his nomarchs and generals, might be exacted without the failure of a service which they had to render, were likewise driven forth in armies, or much more commonly employed in herds upon the monuments and gigantic

[1] See Diod. Sic., I. 54, where the policy of Sesostris is made the subject of considerable praise. The historian mentions the king as particularly the legislator of the warriors. See the list, I. 94, 95.

[2] Perhaps appointed from the priests, but more probably from the warriors. See Pliny's account of the nomes, Nat. Hist., v. 9.

[3] Diod. Sic., I. 77.

piles, which, scarce decayed, but long deserted, are still stupendous in their magnitude. The labours of agriculture would increase with population; those of trade would spread wide with conquest; and as labours multiplied, the means employed to control or to protect them would quickly grow into a system, under which the Egyptian institutions were developed and completed.

We have a sketch of royal power in Egypt, antecedent, indeed, to the time of Sesostris, but fit to be introduced in illustration of the later institutions which we have supposed him to have organised. When Abraham went down from Haran into Egypt, he found a sovereign, or Pharaoh, and his princes, already powerful.[1] Two centuries afterwards, Joseph was carried as a slave into the land his ancestor had visited; but shewing himself discreet and wise before the Pharaoh then reigning, he was by him set over the country with nearly supreme authority. The vestures of fine linen that he wore, and the chariot that bore him in sight of the people, were but a small part of the state to which he was raised. There were officers to cry, "Bow the knee!" before him and a multitude to obey the cry; for he was as Pharaoh, we are told,—the lord himself, of all the land. Joseph requited the favours he received by the most skilful services. He helped his master to increase his power, by laying up stores against a famine which drove the Egyptians to part with cattle, lands, and even their own bodies, so that they might get

[1] Genesis, ch. XII.

food from the royal granaries; yet it is expressly related, that the sovereign and his minister were obliged to spare one caste from the universal affliction and degradation of their subjects. The possessions of the priests were respected, and their order alone continued secure against the growing wealth and dominion of the monarch whom the Hebrew had adroitly served at the expense of a miserable people.[1] Something can be drawn from these Egyptian sketches in the Old Testament; for though Joseph may have ruled in one court and Abraham visited another, yet the outlines of the royalty and the priesthood, as far as they are given, correspond to all we know of the power of the one to resist and of the other to increase. The warriors, it is true, can only be conjectured to have been the princes whom Abraham saw; inasmuch as his journey may have been made to a city in possession of the foreign shepherd kings. But the Pharaoh of Joseph must have been supported by other means than the craft of his stranger servant; and these means must have been the arms of his warriors.

At all events, the interval between Joseph and Sesostris was marked by the rise of a second caste, without whose aid the monarchy itself would have undoubtedly continued in its early subjection to the priesthood. It was from among the warriors that the king was elected, whenever the succession of son to father failed. They shared in the glory and the spoils of conquest; obtained their lands free from tax

[1] Genesis, xli. 39—44; xliv. 18; xlv. 9; xlvii. 13—26.

or charge;[1] and as generation succeeded to generation, imbibed a portion, at least, of the knowledge which the priests would have kept for ever sealed. If they sustained the monarch, the monarch sustained them; and it is through the rise of both to a level with, not to a superiority over, the Egyptian priesthood, that we can ascribe a larger freedom to Egypt than elsewhere prevailed at the same period.

It is impossible, however, to mark any further progress; nor does the idea of "the great dragon in the midst of his rivers,"[2] that is to say, the king encircled by his warriors, excite any agreeable reflections. Neither was the growth of the monarchy uninterrupted so long as the priesthood continued to claim and exercise its ancient powers. One monarch, Cheops, was able, indeed, to subdue the priests, by ordering the temples to be closed;[3] but his son, Mycerinus, was so obedient to the same caste whom his father overcame, as to believe them when they bade him prepare for death, because it was not the will of the gods to have Egypt governed by a virtuous king.[4] It would be painful to read that a monarch could be deposed because of his excellence, if it were not probable that the virtue of Mycerinus consisted only in his independence of, or his opposition to, the priesthood. His father, Cheops, whom the priests would have unquestionably deposed, had they

[1] Herod. II. 168. Diod. Sic. I. 73. All landed property, according to Herodotus (II. 109), was granted by the king.

[2] Ezekiel, XXIX. 3.

[3] Herod. II. 124.

[4] Ibid. II. 133. Cf. Diod. Sic. I. 64.

been able, and perhaps on the same charge of excessive goodness, compelled his subjects to labour, unpaid and almost unfed,[1] upon the pyramids, too vast to be raised or to be begun where the lower classes were mercifully ruled. The more turbulent warriors may have been as much in the way of royal gentleness as the haughtier priests; but the power of the monarchy itself was, at last, the greatest hindrance to its righteous exercise. The king, who was in theory "a mighty lover of truth,"[2] was also in theory incapable of doing wrong.[3] Nor is the virtue of his having emancipated himself and his caste, if we suppose Sesostris to have done so much, from superstitious dependence upon the priesthood, to be exaggerated. Though born of the warriors, he was admitted by initiation among the priests.[4] His attendants were young men of the sacerdotal families;[5] his partners in civil authority were of the same order;[6] and in every solemn ceremony, as in

[1] Herodotus (II. 125) gives a curious account, however, of the money expended upon "radishes, leeks, and garlic," for the labourers; and there is even a hint that they had something besides. Compare the remembrances of the Israelites at Taberah, Numbers, XI. 5.

[2] Inscription quoted by Sir Gardner Wilkinson in his work on the Manners and Customs of the Ancient Egyptians, vol. I. p. 251, note.

[3] Diod. Sic., I. 70.

[4] "Previously to his election." Bunsen, Egypt, etc., vol. I. p. 19. See Plut., Is. et Osir., IX.

Plutarch, one of our continual companions through ancient history, lived from about A.D. 50 to a good old age. He was a native of Chæronea in Bœotia, and the author of biographies and treatises that are, most of them, the former especially, invaluable.

[5] Diod. Sic., I. 70.

[6] Ten priests from each of the three principal cities, making thirty in all, were, with the king, the members of the supreme judicial tribunal. Diod. Sic. I. 75. They were also the depositories of the sacred laws of Hermes, "the first

every magnificent festival, the priests were his ministers and his guides.

Their authority, therefore, is not to be undervalued, even when the days of their supreme dominion were passed away. As Joseph spared them in the great famine, so, although richest, both as an order and as individuals, amongst their countrymen, they were always free from charges of money,[1] or any services besides those they would rather seek than avoid. Their votes were the most important at the election of a king; and when the crown passed from one head to another without election, they were still "the wise counsellors of Pharaoh,"[2] whose opinions were generally consulted, if not always obeyed. Their religious authority was scarcely disturbed amidst the changes which transferred many of their civil powers to other hands. Superstition yet triumphed, while they interpreted the oracles to which the whole nation had recourse, and served before the shrines which not the king himself would have approached alone. The knowledge they had was of sciences and arts as well as mysteries; it was the source of an authority which no revolutions could close to them, or open, without their will, to the rest of their race. At first the parents and afterwards the off-

germ," says Bunsen (Vol. I. p. 20), "of the civil law." As for Hermes, see Creuzer, Rel. Egypt., Ch. IV. p. 443, trad. Franç.

[1] Diod. Sic., I. 73. They also received public contributions.

[2] Isaiah, XIX. 11. One exercise of the priestly influence over the king could not always have proved agreeable. He was, every morning, obliged to listen to a long discourse from the chief pontiff upon his royal virtues and duties. Diod. Sic. I. 70.

spring of Egyptian civilisation, they were born to the inheritance of heavenly and of earthly learning, such as had then been reached by mortal minds.

Their world of prodigies[1] has survived them; and it is in the hieroglyphic of the temples or the emblem of the monuments, to which their secrets were confided, that the history of Egypt is still to be sought with unwearied deciphering. Architecture was their peculiar art, and the one through which their power over the masses is, as it was, most plainly apparent; though there were monarchs, and very likely warriors also, to imitate their example, and build their own massive piles with the toil of the swarming poor. The palace of the king was built in imitation of the sanctuary, and his statues were fashioned after the divine images with which the temple was adorned.[2] It was not alone in architecture, however, that the wisdom of the Egyptians was celebrated from century to century[3] amongst the neighbouring nations. Astronomy and physics, medicine and agriculture, prophecy and history,[4] were the work and the property of one great class, to which all other ranks were intellectually, even if there were some to escape being politically, inferior. The king, as will be remembered, obtained these privileges by initiation; and many of his caste, as may be conjectured, rose up, through their con-

[1] "Ce monde d'enchantemens." Sismondi, Etudes Econ. Polit., 1er Essai.

[2] Müller's Ancient Art, Sect. 225.

[3] 1 Kings, iv. 30. Acts, vii. 225.

[4] Certain sacred books were particularly kept as annals. Diod. Sic., i. 46, 73. Herod., ii. 99, 100.

nection with him as a body, or through their associations amongst the priests as individuals, to nearly the same elevation. Yet the dignity of the priesthood was scarcely the less imposing because their robes were drawn aside before one class at least, by whom their faces and their forms might be seen for what they really were.

Liberty, in India monopolized by the priests, was thus, through the activity and the changes of Egypt, extended to the warriors. Yet the other Egyptian castes were so completely subordinate, that it is difficult to procure any clear account of them; but there are details in every history into which the Christian need not desire to penetrate, if they be obscure. Diodorus speaks of three classes, inferior to the priests and the warriors, which he styles shepherds, husbandmen, and artisans;[1] but Herodotus enumerates five, of cowherds, swineherds, traders, interpreters, and boatmen.[2] It is probable that the latter division was a modification of the former,[3] which must have been

[1] I. 74.

[2] II. 164.

[3] The whole subject, however, is involved in difficulties. "The first caste was the sacerdotal order; the second, the soldiers and peasants, or agricultural class; the third was that of the townsmen; and the fourth, the plebs or common people." Such is the account of Sir G. Wilkinson (Anc. Egypt., vol. I. pp. 237 *et seq.*), who thus attempts to harmonise the various descriptions of the Egyptian castes by uniting the warriors and the husbandmen into one; for which there is some authority in Diod. Sic, I. 28. Herodotus's division may need a word or two of commentary. The cowherds and swineherds were distinct, because swine were inferior animals. The name for the traders in Greek is *κάπηλοι*, which answers to our "pedlars," and was perhaps purposely used to shew the small estimation in which their caste was held. The interpreters were introduced under Psammetichus (see p. 57) about A. C. 650. Lastly, the boatmen were for the Nile, and for

the earlier one ; for there was no need of interpreters until foreigners began to serve the later kings as mercenaries. The other names explain themselves. But in either list there is an omission of slaves as a distinct class; not, certainly, because there were none in Egypt, but perhaps because they were counted with the herdsmen, unless, as is more probable, they were rather left out of the castes altogether, as strangers.[1] The existence of the inferior castes is undoubtedly to be explained by the early conquests[2] of which they were especially the victims; while their varieties arose very naturally from the differences of race and soil and occupation amongst the Egyptians who belonged to them. The exuberant valley of the Nile would never be inhabited by the same sort of people who wandered over the neighbouring deserts; while on the mountains of the east there would be found other tribes than those which dwelt upon the plains along the Mediterranean.

It is of much greater importance to estimate the distance between the higher and lower classes, and to recount the toils to which the mass of the people were compelled. The great public works, the rivers, the cities, and the hills of stone, required immense numbers of labourers, who would be supplied from herdsmen, or husbandmen, or traders, as they could be found. The same "taskmasters," of whose bur-

the inundated country when the Nile overflowed.

[1] As Pastoret maintains, Hist. de la Lég. i. 220.

[2] "Die Ägyptische Kasteneintheilung ist sehr alt ; sie beweist sicher eine fremde Eroberung." Niebuhr, Vort. Alt. Geschichte, vol. i. p. 66.

dens the Hebrews complained[1] after the death of their countryman and protector, Joseph, were undoubtedly familiar to the Egyptians. It is related,[2] that the common people were so indignant at the hardships they encountered in building the pyramids, as to threaten to exhume the bodies of their kings, for whom these mountain-mausoleums were prepared; and the kings were thought to shew some fear that the threat would be executed, by ordering their secret burial in the dark and inaccessible chambers, which have hardly yet been explored. This is a single illustration, but it describes the manner in which the Egyptians were ruled. The condition of the lower classes was both politically and socially degraded, from the beginning to the end of their history as a separate nation. An artisan could not be a magistrate;[3] and a swineherd was not permitted to enter a temple,[4] as if he were too degraded even to pray. But there are other signs of humanity which no one would wish to overlook. When the Hebrews in Egypt were most abused, the Pharaoh bade his people to "deal wisely with them;"[5] and the necessity for such treatment of a race of slaves implies some consideration towards the lower castes of the Egyptians, who would be much superior to the strangers. The subsistence of the poor was pro-

[1] See the first chapter of Exodus.

[2] Diod. Sic., i. 64.

[3] Ibid., i. 74.

[4] His class was represented in the Egyptian paintings as "lame or deformed, dirty or unshaven, etc., as if to shew the contempt in which those people were held." Wilkinson's Egyptians, Second series, vol. i. p. 126.

[5] Exodus, i. 10.

vided for by law ; the debtor was bound by his property, and not, as in India and in Rome, by his person ;[1] while the crimes against the lowest were in some cases as severely punished as those against the highest classes.[2] All these are landmarks of expanding civilisation.

The reader is now in possession of the material circumstances by which the liberty of Egypt is to be judged. Formal laws to protect the person or to secure the rights of any man were very few ; nor were most of the usages, virtually the same as laws, intended to apply to the individual so much as to the class of which he was a member. But it seems correct to conclude, from the comparative equality existing between the two higher castes,[3] that considerable freedom prevailed amongst them, though it would be vain to argue that it was at all admirable either in itself or in its results. The lower classes, whose labours might, under other circumstances, have been rewarded by liberty and prosperity, were only

[1] Because, says Diodorus (i. 79), the person was accounted to be the property of the state.

[2] The murderer of a slave, for instance, was subject to the same penalties as the murderer of a freeman. Diod. Sic., i. 77.

[3] M. Ampère, at the Séance Annuelle de l'Académie des Inscriptions, has lately undertaken to demonstrate "que cette idée qu'on se fait depuis si long-temps de l'ancienne société Egyptienne, comme divisée en castes dont chacune était vouée à des occupations spéciales, exclusive, et héréditaires, n'est point exacte," etc. In doing this, he relies upon the "témoignage des monumens ;" but as far as I understand his demonstration from the Compte Rendu in the Journal des Débats, 3rd Sept. 1848, it merely establishes the affiliation of the military and the sacerdotal castes, which I have already ventured to indicate as existing through the rise of royalty.

sorrowful. As the field was brought into cultivation by being overflowed, so the toil of the herdsman and the slave was multiplied by being exacted by the warrior or the priest above them ; yet over the field and the flood, over the bondman and the ruler, were the sleepless skies.

The Egyptian were in so wise so different from other institutions as to outlast the principles of progress within them. Peculiar and national as they had been, they were the sooner overthrown. One king after another reigned and died ; but none attained to equal glory with Sesostris, with whom the season of abundance seemed to have both bloomed and faded. The power of the monarch individually did not decrease so much as that of the monarchy collectively ; though it is true that the later kings appear to have been mostly created to rule a declining empire and assist its fall. One, named Psammetichus, introduced Ionian and Carian mercenaries, and was then abandoned, on account of his partiality to the strangers, by two hundred thousand of the Egyptian warriors, who withdrew in a body beyond the limits of their country.[1] Another, Neco, the son of Psammetichus, attempted, with his mercenaries, to play the conqueror, and was defeated near the Euphrates,—so far had he marched to ruin.[2] Meantime, the people were either more rigidly governed, or suffered to degrade themselves in idleness and in sensuality; while the higher classes, served

[1] About A. C. 650. Herod. II. 152 *et seq.* Diod. Sic. I. 67.

[2] About A. C. 600. Joseph. Antiq. X. 6. 1.

by greater hosts of slaves, who relieved them from all dependence upon their inferior fellow-countrymen, gave themselves up to the most extravagant luxuries and the most degrading debaucheries. When the Persians came, five centuries and a quarter before the end of heathenism, the Egyptians were conquered, as if they had become too wasted to defend themselves.

Such testimony as can be found or imagined concerning the decline in knowledge and in spirit under which the ancient nation succumbed at last, corresponds with the course of events just rapidly defined. It seems that some efforts, at length, were made to withstand the dangers surging about the habits and the institutions which had once bid fair to stand, like the pyramids, for ever. Some laws that may have belonged to this latter period are evidently the result of suspicions aroused concerning the permanency of the system according to which the Egyptians lived. One forbade physicians to use any other remedies than those prescribed in the sacred volumes of the priesthood;[1] and another, mentioned by Plato as a masterpiece of legislation, confined musicians and artists to the rules established for them of old.[2] Customs, arts, and sciences of foreign nations were more carefully rejected,[3] as though they had been fatal; and this hostility to other institutions than their own continued long after independence was

[1] Diod. Sic. i. 82.

[2] In his Laws, Book ii. See Winckelmann, Storia delle Arti, lib. ii. cap. 1.

[3] Herodotus, ii. 91.

lost beyond recovery.[1] All this time, the knowledge of the priests, like the industry of the lower classes, was wearing away. It could not altogether perish; but from the moment of its slumber in the midst of the gains it had made, it was unprofitable, except as an assistance to the accumulation of fresher stores. There had never, however, been more than a beginning made amongst the Egyptians, even in the sciences and arts through which they obtained their greatest renown in antiquity: unless the moving of enormous stones and the carving of gigantic monuments be taken for one of the ends of architecture.

Yet it is in the religious knowledge of the Egyptians that the plainest signs of imperfection and incapacity are to be perceived. With some pretension[2] to remembrance of the truths, once, undoubtedly, in the possession of their progenitors, concerning the creation and the government of the world, the worship they rendered was more local than that of almost any other nation,[3] at the same time that its objects and its doctrines testified to the deeper degradation of their souls. They knelt before the brutes they were meant to command;[4] they would have preserved the bodies they tenanted, as if their only im-

[1] Müller's Anc. Art. § 217, III.

[2] As in the famous inscription at Sais:—"I am all that has been, is, and will be; but my robes have never yet been lifted by any mortal." Plut. Is. et Osir. ed. Reisk., tom. VII. p. 396. See Bunsen, Egypt, etc., vol. I. pp. 385—387.

[3] See the lines of Juvenal, Sat. XV. 35 *et seq.*

[4] This strange adoration of animals has been variously explained. One account is founded upon its

mortality were that of the silent tomb, which might perhaps become the cradle of a second life, fleeting and hopeless as that from which they were set free.[1] The marks of the worst bondage that man can be forced to bear are almost as deplorable in Egypt as in India. Whatever intelligence the priests may have obtained was either shrouded entirely from the view of men, or, if brought to light at all, was expressed in characters which few besides the priests themselves could read. The worshipper beat his breast despairingly before the altar at which he offered sacrifice;[2] and in the same mournful spirit, the image of a dead man was introduced at the more joyous festival.[3] The higher classes struggled with their own alarms; but the lower had the terrors of the higher besides their own to bear, or rather to attempt in vain to bear. Fear, creeping from a false faith, coiled around the gifts of nature,[4] as well as the enjoyments of men ; and a braver race than the Egyptian would have quailed before the fangs for ever threatening their destruction. As soon as the

different objects in different places, —that the animals worshipped by the various native inhabitants were admitted by the stranger priests into their sanctuaries in order to make the people more willing to bear with their religion and their dominion. Heeren's Researches, etc., Egypt., sect. III. ch. 2. Diodorus (I. 89) says the early kings introduced the worship of different animals in order that the people, inclined to be rebellious, might be kept disunited. It would not be worth while to repeat these things, if they did not throw light upon the spirit of the Egyptian rulers.

[1] See Herod. II. 123. Cf. the account which Diodorus gives of the judgment of the dead, I. 72, 92.

[2] Herod. II. 40.

[3] Ibid. II. 78.

[4] Wheat and barley were both forbidden fruits. Herod. II. 36.

monarchy was loosened, it seemed as if classes and principles, arts and mysteries, were struck with the chill of mortality.

The civilisation of Egypt was the transition from an earlier to a later period of human progress. Its beginning in obscurity, its procession in war and superstition and despair, its division between a monarchy, a priesthood, and a warlike caste, are the indications of a disturbed and an unsettled condition as that from which it sprang and in which it issued. But there is no despair so deep, no superstition so abject, no war so cruel, as to resist the light which shimmers along the horizon of the darkest centuries. The intellectual and the material expansion of human energies was prepared among the people by the Nile ; and many of the forms they wrapped and buried, as if in faith of eternal death, have had their resurrection.

CHAPTER IV.

PERSIA.

"Les liens de la société unissent un plus grand nombre d'hommes." TURGOT, *Disc. en Sorb.* II.

FAR back, beyond the reach of history, but where the traditions of many people united as on common ground, there were preserved, in ancient as in modern times, the vestiges of those miraculous catastrophes by which the earth was wasted and its inhabitants were dispersed. In the midst of general sinfulness and universal terror, the cities of Babylon and Nineveh were founded, the one on the Euphrates, the other on the Tigris, by the leaders of two different races, which were presently joined together in a single empire, called the Assyrian, under Ninus and Semiramis the queen. Some years or centuries afterwards, another division occurred, transforming the single empire into the three empires of Assyria, Babylon, and Media; each of which obtained, in turn, a greater or less predominance over the rest. But of these successive conquests it is impossible to give any assured narration;[1] the more so, that other nations, such as

[1] See Herod. I. 95. Diod. Sic. II. 21, 28. Vell. Pat. I. 6.

The last-mentioned authority is of the historian Velleius Paterculus, whose Roman history, always agreeable, and sometimes beautiful, was written about A. D. 30. It begins at a period antecedent to the foundation of Rome.

the Chaldean, appear to have had their part in the invasions and revolutions of different periods. It is more important to observe, not only the rapidity with which one empire must have risen and fallen, but also the confusion and desolation that must have been of frequent recurrence in a territory of moderate extent compared with the immoderate warfare of which it was the scene. Still less is known concerning the disposition which prevailed amongst each people ; nor is it to be regretted, that the king and the priest, who ruled luxuriously and oppressively, are alike forgotten except in names. But whether the great empires of Western Asia be distinguished by their governments, their habits, or their revolutions, they equally appear to have been the preparatives of the still greater empire to which they all submitted, as if it had been taught by them to become their conqueror.

The people who dwelt amongst the valleys and along the rivers of Assyria or Babylon seemed asleep in corruption, the very prey to allure a hardier nation ; while farther to the south, the mountainous land, called Iran by its inhabitants, but known to us under the name of Persia, had long been nursing its warriors among its flocks and upon its battle-fields.[1] It was a country suited neither to

[1] Iran "abounded in flocks." Zend-Avesta; of which I have used the translation by Anquetil du Perron. Tom. ii. p. 300.

So Plato, in his work on Laws (Book III.), describes the Persians as "the pastoral people of a savage country, accustomed to that severe breeding fitted to make them robust herdsmen, sleeping in the open air, bearing fatigues, and speeding on warlike adventures."

a laborious nor yet to an effeminate people. Its interrupted plains were scarcely broad enough for much cultivation; and its numerous deserts were too intrusive to leave sufficient space for the vigorous beauty which is at once the most desirable and the most irresistible charm in nature. There was no temptation to peaceful toil; neither was there any fascination to steep the senses and the souls of men in lethargy. The Persians were born to arms. Unsatisfied, at length, with the meagre productions and the narrow limits of their mountain land, they were placed exactly where they would be tempted beyond their deserts to the subjugation and the slaughter of the neighbouring races, whose independence and fortitude were sunk in indolence and almost incredible luxury. A new empire soon sprang into being, extending, in process of increase, "from India even into Ethiopia, over an hundred and seven-and-twenty provinces," in which nearly "all the kingdoms of the earth" were soon contained.[1] These extraordinary conquests must be our key to the civilisation and the liberty of Persia.

We begin with the early Persians only that we may bear in mind the preparatory period through which they had already passed, when their union

[1] Ezra, i. 2. Esther, i. 1. See Xenoph. Cyrop. viii. 6. 21, 22. The reference to Xenophon, like that to the other ancient historians in these notes, may be accompanied by the mention of his life and works. He was an Athenian, who died at a great age, about A. C. 360, and who has left us two histories, the Anabasis and the Hellenica, besides the treatise, Cyropædia, here cited, and various other works, biographical, statistical, and philosophical.

with other countries was accomplished. The sounds of strife come indistinct through the obscurity in which the race was plunged; yet the history of heroes and princes who went forth and who returned to conquer is not altogether fabulous.[1] The god Mithra, armed with a club, "intelligent, golden, sensitive, abundantly assisting and victoriously striking,"[2] was wont, according to the Persian mythology, to traverse earth and sea and sky; and his is the image of any of the early heroes. A caste of warlike families[3] ruled the whole race, though there was a king of their own blood at the head of their government as well as their conquests. The character of the higher Persians was greatly affected by the Medes, whose civilization was much the most ancient, and whose power at one time prevailed over the people of Iran. But Media was in the keeping of a priesthood; while Persia continued to be governed by its warriors, the chief of whom was the prince or the hero. The poem of Ferdousi, the Schah Nameh, or the Book of Kings, is filled with sketches of kingly valour, which appear to have been composed after the legends most accredited in tradition or early song.[4] The same higher class, with their sovereign, continued far above the main body of the people at the time of the Persian empire.

[1] Many of the details in the account which Herodotus gives of the Persian character will be found, I think, to refer to these earlier periods of Persian history.

[2] Anquetil's Zend-Avesta, II. 222.

[3] The Pasargadae, noblest, as Herodotus (I. 125) says, among those "on whom the other Persians depend." There were two other "noble" tribes.

[4] Ferdousi was a poet of the eleventh century, and his poem was composed at the command of his

But the powers of the king had then increased so greatly, that he stood almost alone, as upon an eminence in sight of his subjects on the plain. We have no clear account of the change from the heroic to the historical times; but the manner in which the monarchy came to be the very prominent object of the Persian institutions may be illustrated by the story of Dejoces the Mede.[1]

He was a Mede; but the connection between the Medes and the Persians entitles us to consider him exactly as if he had been a Persian of the early period. His equity and sagacity so distinguished him, that he was selected, first by his neighbours and then by all his countrymen to judge the disputes and the crimes which happened amongst them. He had no idea, however, of contributing his time or his knowledge to the good of his more barbarous contemporaries, without obtaining something more than their respect in return. So he retired from their

Mohammedan kings. The lines which follow are from Champion's translation, vol. i. First, the king was

"The soldier's glory and the warrior's friend." p. 202.

Then his virtues bloom more abundantly, as with Feridoun, the flower of all early Persian story.

"The hero now inspects his blest domains,
With patriot eye he views his fertile plains.
Where vice appears, by salutary laws
He checks its progress and explores the cause.
Where villages deserted mouldering lay,
By equal rules he shelters from decay.
On lofty mountains flowery shrubs are seen,
On earth is pictured the Elysian scene." p. 123.

[1] Herod. i. 96—101. Some allowance, however, must be made, in reading it, for the Greek notions of the Greek historian.

sight, declaring he had affairs of his own which must not be neglected; but when the Medes proposed to make him king, he offered no resistance to the change which would make him less a private man than he was before. Herein, however, Dejoces was only setting an example which has never been lost in ancient or in modern times. The people would have a single ruler, because his wisdom, venerated and undisturbed, could best devise the means and secure the end of order and control;[1] but the ruler himself would regard his power, rather than his wisdom, as the benefit his subjects most desired. Dejoces forthwith issued his orders that a palace should be built for him, and that his person should be protected by chosen guards. His zeal for his own greatness carried him so far, that he forbade the people to have access to him at all; as if they who had been his equals should have no opportunity for envying his magnificence, while they who were his inferiors would have no occasion for presenting their claims upon his care. Yet, as the historian says, "all other things were ordered well;"[2] and the Medes obeyed him because they knew not how to govern themselves.

It was in some such way that the early Persian monarchy may have been established, when the existence of the people was supposed to depend upon the justice or the prowess of their sovereign. The nation, swarming with warriors, or, at all events,

[1] See the harangue of the Persian chieftain to his peers, in the Appendix to vol. i. of Malcolm's History of Persia, p. 513.

[2] Herod. i. 100.

with hardy herdsmen, submitted to the Medes; but their own chieftain was given them in time. Cyrus, born of royal parentage, six centuries before our era,[1] was brought into the world to satisfy the independence and the ambition of his race, whom he led, not only against the Medes, but against the greater part of the nations on his side the Ægean Sea. The Persians, "terrible as an army with banners,"[2] spread over the earth as its later conquerors; and on their supremacy, after as well as before victory, their king relied as the bulwark of his own dominion. Old empires sank, as if built of sand, before the blast which blew tempestuously from the mountain land; and though some fragments of their ancient institutions remained to prove that these had once existed, the monarchy of Iran, thus rising and enlarging in the midst of storms, was at once the single institution of Persia and of the various people reduced to bear the Persian name. The Medes were alone united on more equal terms with their former tributaries; their religion, known by the name of its priests, the Magi, was established amongst the Persians, on whom it had anciently been forced at the time of their subjection; and the warlike discipline which the vigour of Cyrus imparted to the Persians was introduced, in part, at least, amongst the Medes. On the other victims of his conquest Cyrus laid the burden of a more crushing dominion than upon the

[1] A. C. 594. His reign began A. C. 559, and lasted till 530.

[2] Solomon's Song, VI. 4. See the account of them and their country which Herodotus attributes to Cyrus, IX. 122.

Medes; and he was meditating plans of universal empire,[1] when he died among barbarians whom he marched afar to vanquish.[2]

The condition in which the great conqueror left his countrymen and the strangers whom the loyalty as well as the combativeness of the Persians enabled him to subdue, will be better described after we have taken some account of the despotism which Cyrus transmitted to his successors on the throne. It was the chief fruit of his conquests.[3] His own name of Cyrus was borrowed from the sun his people worshipped,[4] and to which they would have compared his glory as he traversed the earth in victory. There are testimonies stronger than any names to the absolute authority of the Persian sovereigns. The royal judges, more peculiarly styled the interpreters of the law, informed Cambyses, the son of Cyrus, that the king could do whatever he pleased;[5] as if the principle of their interpretations lay in submission to his will. Xerxes, whose very name is a sound of pride, bade his nobles, "the princes of Asia," remember, when he called them to council, that they came, not to advise, but to obey him.[6] The mother of Artaxerxes, persuading her son to a deed

[1] As Diodorus remarks: *ταῖς ἐλπίσι πᾶσαν περιελάμβανε τὴν οἰκουμένην.* Reliq., x. 12, ed Müller.

[2] Herod., i. 127, 130, 190 et seq., 214. Ctesias, Fragm. de Reb. Persic., 6.

Ctesias, a native of Caria, wrote a history of Persia, at the court of which country he was employed as royal physician about A. C. 400.

[3] "Le despotisme fut le fruit de la conquête." Condorcet, Prog. de l'Esp. Hum., p. 55.

[4] Plut. Artax, 1.

[5] Herod., iii. 31.

[6] Valer. Maximus, ix. 5. § 2 Ext.

which he had the grace to deny himself, urged him to despise all laws, inasmuch as "he himself was a law to the Persians, given them by the Deity to be the judge of right and wrong."[1] If the laws of the Persians were thus considered to emanate from their king, to whose will there was neither any authority nor any justice to oppose, then, indeed, it were better to close their history at once, in despair of any liberty where such a rule was borne. But if we judge ancient as we would modern times, we may be sure that there is always some influence to temper human despotism. The story of Dejoces is proof of greater evils which could be avoided only by submission to what was certainly an evil, but a less one, namely, unshared authority.

A hierocracy, as we have already seen, has its origin in the fear of gods whom an ignorant, particularly if it be also a fanciful, people may be taught or forced to worship with trembling desperation. Its authority is absolute, and its character nearly unalterable, after it has once been founded. But a despotism, warlike or royal, originates in the fear which the mass, if uneducated and unhopeful, will always feel for the few who are stronger, braver, wiser, or in any way more powerful than themselves. It exacts implicit obedience; but neither necessarily militates against the improvement of its subjects, nor condemns them to forced and terrifying services of religion. The despotism of kings is still a monstrous evil; but it was never nearly so hideous in

[1] Plut. Artax., 23.

ancient times as the despotism of priests, who claimed a divine character for themselves or for their system, and then turned it to more brutal uses than we can now conceive. Even the divine right, urged as the royal title and possession, can never be confounded with the actual divinity to which a hierocracy pretended. The power confessing its humanity, whatever may be its right, is obliged to consult the interests and the sentiments of other classes than that to which it more exclusively belongs; it is conciliatory in some things, though it be ever so arbitrary; it is progressive in some ways, though it be ever so firmly rooted or ever so unwilling to move onwards. Above all, it never necessarily corrupts the hearts of its subjects, however much it is obliged to depend upon their want of knowledge or of energy.

These are general positions to mark the progress we may rightly hope to find in Persia six centuries and less before the Christian era. We are yet groping after freedom; but the worst bondage[1] is broken for mankind. Mere force, like that of the Persian kings, is not nearly so fatal to liberty as force combined with superstition, such as we have witnessed in Egypt and in India. It may seem urging a point too far, but there was certainly this advantage in the government even of a single man, that, although it

[1] So Wordsworth, true to all that is holiest in man :—

"There is a bondage worse, far worse, to bear
Than his who breathes, by roof, and floor, and wall,
Pent in, a tyrant's solitary Thrall:
'Tis his who walks about in the open air,
One of a Nation who, henceforth, must wear
Their fetters in their souls."

opened but a narrow passage to general freedom, the king himself had the liberty to rule with some honour and gentleness.[1] The ancients, at least, gave credit to the Persians for believing "the greatest good to be obedience" to their sovereign;[2] and in the later poetry[3] of Iran, the bright side again is turned to view:—"The happy Feridoun was not an angel; he was not formed of musk or amber: it was by his justice and generosity that he gained good and great ends. Be thou just and generous," adds the poet, "and thou shalt be a Feridoun." Feridoun was one of the heroes whose virtues may have been confined to legend and song; but his character, though it were wholly fabulous, is sufficient evidence that the Persians knew what was due them from their king. So they who succeeded to Feridoun might have blotted out all poetry from the royal character; yet when once the truth had been revealed, that a king was made of flesh and blood, as well as his subjects, and was concerned with them in one and the same destiny, it would not be forgotten, though he were to pollute himself and them by tyranny.

The son of Cyrus, Cambyses, the same who conquered Egypt, was reputed to be the very worst of all his line. He proved the reality and the fatality of despotism as fiercely as though that had been the

[1] Xerxes might have remembered this when he offered a reward to those who could invent him a new pleasure, and so had the pleasure of governing his people righteously.

[2] Μέγιστον ἀγαθὸν τὸ πειθαρχεῖν φαινέται. Xen. Cyrop., VIII. 1. 3. See Plut. Them., 27.

[3] Saadi, quoted in Malcolm's History, vol. I. ch. 1.

only purpose of his creation. His nearest subjects, the Persians,[1] were put to death to satisfy his whims his brother Smerdis was slain at his command;[2] and his sister, lamenting her brother's fate, perished by his own hand.[3] Nor were the shameful passions, in which he indulged, betrayed in the murder of his people or his family alone; he sought carnage and conquest among strangers; he everywhere broke through the bounds of decency and reverence; and fulfilled the answer of his judges to the letter, in using and abusing his power as he pleased.[4] These things are fit to read only in order to mark how soon the absolute authority of Cyrus became a frenzied despotism in his successor's hands: yet the narration which follows[5] is proof of the limits that could be set upon despotism among the people he cruelly ruled. While he was yet in Egypt, the Magi in Persia set up one of their own number as king under the name of Smerdis, the murdered brother; and as Cambyses, dying shortly after, left no heir, the pretended prince was carelessly or wilfully recognized by the greater part of the nation, although Cambyses had openly proclaimed him an impostor.[6]

[1] Σεωυτοῦ πολιήτας, his own citizens, as Herodotus delicately terms them, III. 36.

[2] Herod., III. 30. In Ctesias (De Reb. Pers., 10) the name is different.

[3] Herod., III. 32.

[4] He was remembered as the Δεσπότης, the tyrant above all others who had ruled in Persia. Herod., III. 89. Cyrus was called the Father, Πατήρ.

[5] In which the authority of Herodotus (III. 67—88) has been followed rather than that of Ctesias, who relates the same story with some variations. De Reb. Pers., 10—15.

[6] Herod., III. 65.

The nobles might be confident in their own power under a king who was insecure upon his throne, and the people would look for favour from the monarch whom their priests revered, and who to them might really seem to be the son of Cyrus, their hero and their benefactor. The new king shewed that he counted upon the good will of his subjects by freeing them from military service and tribute for three years' time; but though the lower classes might have been satisfied by this release from their burdensome duties, their allegiance was insufficient to support the impostor. Not even the Magi, to whom the people were generally submissive, were able to protect the king whom they had chosen from amongst themselves: they had no superstition to support him, and the force of the empire was in other hands. The only hope they could have had was that the king would be protected by the strength of the monarchy he had usurped, not so much to his own advantage as to theirs.

But when Smerdis, after his first decrees, withdrew within the royal palace, amongst the priests of his government and the women of his household, the Persian nobles were suspicious that the crown of Cyrus had been given up too easily to a pretender. They had not loved Cambyses; but he, at least, trusted himself to them, not to the Magi, as his successor was doing. Some, more earnest than the rest, resolved to learn the truth; and discovered, at last, that for eight months they had obeyed a priest whose ears had been cut off by order of their former

king. No sooner was this proved, than some of the most eminent nobles conspired together and slew the impostor in the palace where he had been concealed from the beginning of his reign. It was easier, however, to put Smerdis and his Magi to death than to create another monarch. There was no male descendant of the great Cyrus to put upon the throne, and the new sovereign must needs be chosen from amongst the noble families, to one of which Cyrus had himself belonged. The conspirators met to take council with one another; but the language they are reported to have used is not readily recognised as appropriate to men who were nobles by birth, and subjects by education of an absolute master. The Greek historian wrote of Persia, perhaps, as he would of Greece; but if the discourses he imputes to three of the seven conspirators be interpreted according to the Persian spirit,[1] it appears that one argued for giving all the higher families a share in the government, another that a few only of these families should be admitted to participate in the new establishment, while the third contended for the restoration of the same monarchy to which their forefathers had submitted from time immemorial.

This third conspirator was the famous Darius Hystaspis; and though the harangue which Herodotus ascribes to him may never have been uttered, it contains some sentences that are perfectly suitable to illustrate the view we may still take of the Persian

[1] Such is Heeren's explanation in his great work, one part of which is upon the Persians, vol. i. sect. 2, ch. 1.

monarchy. "I maintain," said Darius, "that monarchy is far preferable to any other kind of authority. None are better to rule than the individual who has been taken as the best of all; and his opinions will, without reproach, direct the affairs of the whole people. If the main body govern, vice must creep in, and the bad will act together until some one of their number shall be strong enough to put them down, and to take the government into his own hands. Whence came our liberty, and who gave it us? I answer, Cyrus. Then, as we became freemen through a single man, I do advise that we keep to the same unbroken power, and to the good laws which we have from our ancestors." We need not stay to criticise the principles of the Persian noble, or to remark that the liberty of which he spoke was the liberty of one class only amongst many. His advice prevailed, and Darius himself was chosen king.[1]

"Consider," wrote Plato,[2] within a little more than a century after these events had taken place, "Consider the results of this revolution. . . . . Darius was no sooner master of the empire, by the consent of his fellow-conspirators, than he divided it into seven portions, of which feeble traces still remain. He then established laws, to which he sub-

[1] A. C. 521. He was elected through mere artifice by the conspirators; but was then accepted by the nation or the nobility at large,—Justin (i. 19) says the people: "Populus quoque universus, sequutus judicium principum, eundem regem constituit."

Justinus, who lived under Augustus the Emperor, composed a history, or rather a selection from the History of Trogus Pompeius, concerning all the principal nations of antiquity.

[2] In the laws, lib. iii.

jected his own authority, and by which a sort of equality was introduced. He confirmed union and intercourse between the Persians, and won their hearts by gifts and kindnesses. So they willingly aided him in all his wars, in which he acquired as many countries as Cyrus had left when he died." In this brief passage are contained all the points of importance concerning the Persian institutions. We have the power of the king, tempered by his own laws as well as by the influence of his nobles and the intelligence of his people; we have the nobles predominant over the people, but the people rising in presence of the nobles; we have the wars, also, and the conquests, by which the Persians, as a race, preserved themselves superior to the other nations of the empire. These things we will now examine, excepting so far as we have already inquired into them; and the reign of Darius[1] shall be the period of our research, for reasons to appear, in part, hereafter. The Persian monarchy was not only most firmly established, but is now to be most fairly judged, as it was under Darius Hystaspis.

The authority of the king was as absolute, according to the system which Darius can be said only to have confirmed, as it had been at the time of its first establishment. But we have already seen that deductions are to be made from the statements of writers who were unable or unwilling to acknowledge the checks upon despotism apparently the most unbridled; as in Persia from the strength of a no-

[1] He reigned thirty-five years: A. C. 520—486.

bility, or, as in the Grecian tyrannies, from the character of a people. The Persian nobles have perhaps been described as well as they can be with our meagre means, in the preceding pages. They were especially the members of the Persian court, and, in time of the Persian priesthood, the freemen of the nation, according to Oriental rules. Below them were the various classes[1] of husbandmen, artisans, and slaves, of whom the last were not, however, considered as natives of Persia, though born upon Persian soil. The first two were the retainers of the nobility at home and their followers in war, and though by no means free with respect either to their superiors or to the sovereign, yet, in comparison with the subject nations of the empire, they were, as will immediately appear, an independent and a favoured race. It is difficult, however, to measure the Persian spirit generally by any decided standard, on account of the vicissitudes to which it was exposed. In conflict and in intercourse with more polished nations the conquerors under Cyrus and his successors would learn, with as much speed as they had used in their marches, to imitate the labours and the luxuries they

[1] There was an early tradition, that Djemsheed, one of the hero-kings, divided his people into four classes :—1. Priests and Teachers; 2. Registers and Writers; 3. Soldiers; 4. Husbandmen, Artisans, and Tradesmen. Malcolm's Persia, vol. i. ch. 2. It is not necessary to make any details here, like those we were obliged to enter upon with regard to Egypt and India, because, though there were classes, there were no castes, in Persia. See, however, the account which Herodotus gives (i. 125) of the three agricultural and the three nomadic tribes, and compare the description of the classes in the Zend-Avesta; Anquetil. tom. i. ptie. 2, pp. 141 389, et seq.

beheld around them. Three periods may nevertheless be distinguished in their history: the first being the period of the mountaineers, the second of the warriors, and the third of the masters, which, under Darius Hystaspis, was actually arrived. The Persians, peasants as well as nobles, were all affected by the change from one to another period. Life upon mountains was very different from life upon battle-fields; nor could the simple though boisterous people that Cyrus led preserve the qualities on which he had relied, when they became the superior nation of a thickly and a variously peopled empire. Their love of freedom, strange as it may appear, declined with the love of war, in whose fervours their glory as a race began and in whose ashes it expired.

The fair side of such a history was necessarily of narrow extent, compared with its darker side. But on crossing the line which divides Persia from its provinces, there is scarcely a ray of light athwart the deeper gloom. The Persians, for instance, were bound to no tribute;[1] but of the twenty provinces annexed to the land of the victors, on the principle that all Asia belonged to it,[2] each had its tributes to pay and its grinding services to perform.[3] The

[1] Herod., III. 97.

[2] Ibid., I. 4. So, at III. 88:—"All the people of Asia, except the Arabians, were subject to Darius." A passage from Esdras will illustrate both the superiority of the Persians over their provinces and the supremacy of the king over all. "Do not men excel in strength, that bear rule over sea and land, and all things in them? But yet the king is more mighty: for he is lord of all these things, and hath dominion over them; and whatsoever he commandeth them, they do."—IV. 2, 3.

[3] Herod., III. 89. Nor only common tributes and services. "I have heard," says Socrates, in one of

penalties of the conquered for not having been able to protect themselves against their conquerors were heavy throughout the empire. Amyntas, king of Egypt, was transported, with six thousand Egyptians, to Susa, by order of the savage Cambyses.[1] Even Cyrus, who has the credit of much greater humanity, would have made the Lydians slaves, if their king, Crœsus, had not persuaded his victor to content himself with the surrender of their arms and the change of their education, so that they "would be turned," as the historian remarks, "from men into women."[2] Such examples would not fail of imitation. A whole people might be hunted down, murdered,[3] or punished,[4] but they bore it because it was their destiny, as the vanquished, to bear with anything which was done against them; and though the sun shone full upon the provinces, their inhabitants were slaves as entirely as though they had lived in one vast dungeon. They paid, they served, and they obeyed; and the lists preserved of Xerxes's army[5] bear witness that the obedience, the service, and the

Plato's dialogues, "a trustworthy man, one who had been an ambassador to Persia, say that he had travelled for nearly a whole day over a vast and fertile country which the inhabitants call the Queen's Girdle; that there is another called her Veil; and that there are many more fair and fruitful provinces whose revenues are applied to the wardrobe of the queen, and which bear the respective names of the articles they severally supply." Plato, Alcib., I.

[1] Ctes. de Reb. Pers., 9. Cf. the fate of the Barcans under Darius. Herod., IV. 202—204.

[2] Herod., I. 155, 156.

[3] Ibid., VI. 31.

[4] Ibid., VI. 32.

[5] Ibid., VII. 59, et seq. One is reminded of a line in Ferdousi, in which the poet speaks of

"Suppliant crowds, vast as the spreading sea."

Champion's translation, p. 209.

tribute of the provinces were the life-blood of the empire.

Darius Hystaspis was called the Trader King,[1] as if in ridicule of the taxes he laid, the labours he required, or the government he organised. But the policy of the Persian institutions was not the work of Darius alone; he may have carried it out, but it had been begun before him, when the first arrow was shot from the mountains, or the first host descended into the plains. Yet the system he pursued, however begun, would have been more tolerable, had not each of its burdens and vexations been magnified by the governments dependent upon the central one in Persia. Every province had its governor or satrap; and every satrap governed his province for himself as well as for his king. Thus doubly severe, the rule of Persia was as fatal to itself as to the vanquished. It was impossible that contributions of enormous amount should be secured without much difficulty and violence; it was just as impossible that even violence should overcome the difficulty, unless the satrap at a distance from the court was abundantly able to use swiftness and severity in his government. To him the civil and the military authority of one, or sometimes of more than one, province was exclusively committed; and the people were ruled as if they had been a potter's vessel, to be emptied and crushed and repaired at the satrap's

[1] Herod. III. 89. Κάπηλος. The taxation he established is described by the same old historian, III. 90 *et seq.* He was the first of the Persian monarchs to coin money. Herod. IV. 166.

will. Their debasement reacted in two ways upon the empire. It weakened their attachment and their submission, on one side; and on the other, so swelled the power and the spirit of their governors, that the king would fear the satrap as a servant over whom he had no possible control. In a review of the liberty consistent with the Persian institutions, it can only be said that the despotism of the satraps was far worse than the despotism of the kings. And as the strength of the monarchy began to decline, it was observable that the change came over its better features in consequence of the very conquests which had once appeared to constitute its majesty and its dominion.

It need not be said that we have already proceeded farther than the time of Darius Hystaspis without mentioning the names succeeding his amongst the Persian kings, those of the Xerxeses, the Artaxerxeses, and the Dariuses of later years, which have no associations with freedom,—none, at least, in their own empire.[1] But we must return to the reign of Darius, in order to learn something of the Persian religion, and of the reforms which are believed[2] to have been introduced at that period. The history of Zoroaster is not merely the history of the reformer. It shews forth, more openly than any other man's now can, at once the spirit which was not of impracticable development under the Persian despotism,

[1] None after Darius, says Plato, was truly great, except in name. Οὐδεὶς πω μέγας γέγονεν ἀληθῶς πλήν γε ὀνόματι. Laws, lib. III.

[2] According to Anquetil du Perron and Kleuker,—the one the French, the other the German, translator of the Zend-Avesta. A note to chap. VIII. of Gibbon's Decline and Fall contains the various authorities.

and the exercise to which the powers of the higher classes, at least, were entitled and attuned. We are not sure when he lived; but we know how he lived, and what he left behind him when he died. He was a Mede of distinguished, it appears even of royal birth, who laboured throughout Bactria and Media, as well as Persia, to accomplish a reformation in the religion and the government of his country. The reign of Darius was sufficient to call forth the reformation of Zoroaster; and the king and the reformer may be placed together in our sketch of Persian liberty.

Zoroaster had no power to create a national faith, but simply to reform that which was already implanted in the minds of his countrymen. One of the ancient kings, named Djemsheed, the same whose sword was related to have turned up the first furrows in the Persian soil, had long before introduced the worship of Ormuzd, as the god of Good, with whom an evil deity, called Ahriman, was associated, as an antagonist rather than a partner, in the government of the universe. Both these were subject to the superior Being [1] by whom they were both created; but the Persians, though gathering on mountain-tops to worship "the whole circle of the heavens," [2] were inclined to turn from the abstraction of the

[1] Aristot., Metaphys. xiv. 4; a citation made by Creuzer. Cf. Diog. Laert., Proem. 8.

Diogenes Laertius is the unknown author of a biographical history of philosophy, written from abundance of materials, but in utter looseness of method, about the third century of our era.

[2] Τὸν κύκλον πάντα τοῦ οὐρανοῦ. Herod. i. 131. The sun, the moon, etc., were next in order of adoration.

Divinity, as it seemed to them, to the creatures, invisible or visible, whom it was easier to adore. The purity of their faith, compared with that of other nations, was altogether remarkable;[1] and had it been more perseveringly observed, there would have been no need of any reformation.

But under the mysterious thraldom of the Magi, and through the enlarged intercourse of the conquering Persians with other nations, the simple doctrines of the primitive faith were so far abandoned, that any one of more ardent feeling would naturally be inspired to seek their restoration. Zoroaster came neither to charm the ear nor to pale the cheek of his fellow-mortals with new traditions from the skies into which he had learned to gaze. He would renew the worship of Ormuzd as the source of light, and strengthen the abhorrence of Ahriman as the source of darkness. In describing their strife in heaven, he would revive the distrust the believer had almost ceased to feel towards the unbeliever ; so that the faithful might be more closely united in their deeds and prayers.[2] He was no wiser, therefore, as a reformer, than suited the character and the circumstances of his countrymen. They were mingling too

[1] "The Persians," says Payne Knight, "were the primitists or puritans of heathenism." Inq. into the Symb. of Anc. Mythol. Sect. 92, in Class. Museum, vol. xxiv.

"It is a remarkable circumstance, of which we are informed by the most unsuspicious testimony, that by far the purest religion known among heathen nations remained in those countries whence all migration has been supposed to have originated," etc. Mitford, Hist. Greece, vol. i. p. 88. See Leland, Christ. Rev., vol. i. p. 63.

[2] Of which there is a summary in Anquetil's translation of the Zend-Avesta, tom. i. ptie. 2., p. lxxxiv.

much with other nations; he recalled them to their pride of conquest and exclusiveness of faith. They were going astray after different doctrines and deities from those of their fathers; he bade them be true to Ormuzd against Ahriman, but had no zeal to humble them before the Being to whom all other deities were inferior.

The prayer of Zoroaster was, that he might be the blessing of his country in publishing the law of Good upon the earth.[1] But the work committed to him could not be fulfilled without some assistance from those who were wise enough to adopt, and powerful enough to protect, his reforms. The people could never have supported him against the upper classes, however readily they might have received his doctrines for themselves. The Magi would of course oppose a reformer who confessed his aim to make their religion more independent of their control; but could he win the good-will of the nobles or the king, his success was sure. Of high and royal birth himself, the only class on which Zoroaster could readily depend was that from which he was sprung. He came first before the king, from whom he demanded faith and support, and to whom he unfolded the divine character he claimed for his mission among men. The Persian name of the king was Gustasp; it probably belonged to the same monarch whom the Greeks called Darius Hystaspis. But whosoever the monarch may have been, he lent a willing ear to the reformer; nor is it strange that he did so. As well

[1] Zend-Avesta, tom. i. ptie. 2, p. 255. Cf. p. 106.

as we can learn from the writings of Zoroaster, he shared in all the fire and energy peculiar to the Persian race; and to their glory, to the glory, therefore, of their king, he was as ready to devote himself as the humblest warrior who went forth to battle under the royal banners. The Persians were the people to whom he principally preached his doctrines, and to their keeping he intrusted truths and duties which he would have thought violated in being opened to the nations whom the Persians overcame. It pleased the king, as it would have pleased any conqueror, to assist the labours whose result was sure to increase the separation of the dominant from the subject people of his empire. It was equally soothing to his own excited ideas of royalty or despotism, that he should be saluted as the vicegerent of the deity whom he worshipped; and if Darius were really the sovereign to whom Zoroaster addressed himself, he could not have hesitated to assure the prophet of his protection.

But though Zoroaster relied upon the royal countenance too much to have thought of directly assailing the monarchy by reforms, he was sufficiently ardent to approach it indirectly, yet none the less determinedly, by instructions. His experiences were chiefly of the good that may be wrought by despotism; for without the aid of his sovereign, his exertions would have been utterly overpowered. But there needs little research into the precepts which Zoroaster inculcated before all the Persian nation to perceive a decided intention of making the king amenable to the same moral laws by which the people

at large were governed. The reformer had a heart wide enough to interest itself for the subjects,—perhaps not so much for the inferior as for the superior, but certainly for the subjects generally,—as well as for the monarch. He could not comprehend the duties of the Persians towards the dependent nations; but he conceived, with striking truth and still more amazing boldness, the duties of the king towards the Persians. If Darius or any other sovereign had great powers, which Zoroaster never thought of disturbing, he had great obligations, which Zoroaster never hesitated to declare. As the monarch was to be obeyed because he was Ormuzd's representative, unaccountable to men, he was to be regarded as Ormuzd's servant, accountable to the God from whom his authority descended. Hence the declaration was not considered to be a mockery, that "the chief of chiefs must be he who is most abundant in good works;[1]" while throughout the Pure Law, as that of Zoroaster was called, the prosperity of the virtuous and the misery of the evil monarch were repeatedly described[2] in language of daring resolution. The words might express the desire of better things than could be fulfilled, but they are still to be taken as the expression of such ideas of justice as were

[1] Zend-Avesta, I. ptie. 2, p. 128.

[2] "May the pure king command! May the wicked king have no power!" Zend-Avesta, I. ptie. 2, p. 201. "Give to us," so runs a prayer, "a strong king, firm in right, who shall protect the good, and think nothing but what is virtuous." Ibid. II. p. 225. Him "who comforts and supports the poor" shall Ormuzd establish as the king. Ibid. I. ptie. 2, p. 81.

formed under the Persian monarchy, in defiance of its periods of despotism.

Zoroaster was led, however submissively he began, to set his hopes high concerning the relations between the king and the Persians. More and more struck with the immense power which had been given, as he thought, by Ormuzd to a single mortal, he renewed his efforts that Ormuzd should be served with fidelity. A sort of patriarchal government rose out of doubts and longings, as a vision he had waited to behold;[1] and though the contradiction between the rule of the warrior and that of the patriarch was irreconcilable, the reformer did not quail before the proposal of royal responsibilities more imperative than any which had yet been imagined amongst the loyal and ignorant people of the Persian mountains. The king was not only exhorted, but directly instructed, to govern his subjects as Ormuzd himself would govern them, like a true father and friend.[2] High up in heaven before the throne of the god, the prophet had beheld a burning fire. While that lasted, he related, the king would live; but when Ormuzd willed, the flame would be extinguished and the king would die. And the monarch on earth, before whom the prophet spake, must have trembled with unwonted fear, to hear his complete dependence upon the deity and the flame in heaven.

[1] "For nothing imperfect," according to one of the Chaldæan oracles, attributed to Zoroaster, "circulates from a paternal principle." Cory's Ancient Fragments, p. 241.

[2] See the essay of Kleuker on the Civil Life of the Persians, appended to his translation of the Zend-Avesta, vol. i. p. 71.

The whole world of Persia was to be constituted, according to Zoroaster, after the model of the celestial kingdom which Ormuzd ruled. The Persians of the lowest classes were uplifted from their degradation; husbandmen were openly portrayed as "sources of blessings;"[1] and the relief of the indigent was exalted to the highest service which Ormuzd could receive.[2] But it was more in the reform of lives, in the inculcation of the same virtues to every class, that Zoroaster elevated the condition of his inferior countrymen. Every Persian was bound to purity and to union; in purity,[3] his duties to himself, in union, those to his race, would be most thoroughly accomplished. The chief of the family or the class, the quarter or the city, was to be chosen for his superiority in the qualities which the law required; while priest, noble, or warrior was nominally accountable for the exercise of the authority he obtained.[4] It may be trusting too much to words, but there are many signs that Zoroaster had less hesitation in improving upon the civil than he had shewn concerning the religious condition of his people. The part

[1] Zend-Avesta, I. ptie. 2, p. 141. The "purest point of the law" was to "sow the earth with grain." Ibid. p. 284.

[2] Zend-Avesta, I. ptie. 2, p. 284. So "he who gives alms unites himself with him who receives." Ibid. II. p. 35.

[3] The great duty of man was to keep himself pure. "The word of the pure Zoroaster" was his guide; but "he who purifieth his own law by the holiness of his thoughts, of his words, and of his actions," was declared to "give a new purity to the pure law." Zend-Avesta, I. ptie. 2, pp. 105, 141, 367.

[4] "He who is without sin shall correct him who has committed sin, and the simple Persian shall have the power to reprove even the doctor of the law." Zend-Avesta, I. ptie. II. p. 128.

of the religious system itself most nearly connected with the civil was that which he chiefly altered; and in the introduction of a simpler ritual in religion, he was perhaps the author of a greater degree of independence in life.

But the distinguishing feature of Zoroaster's reform is one we have not yet directly observed. It belongs to him entirely, or to the characteristics of his nation, which he alone was able to seize and act upon. Every condition of the Persians was to be fashioned according to the superior conditions or classes. The husbandman was bound, not only to sow the grain "in purity," but to imitate the courage and to follow the battles of the noble. The noble, in his turn, was encouraged to aspire after the virtue and the preeminence of the king; while the king would look upwards to the divinities of the Persian skies, if he believed in them, and strive, as he knew how, to resemble their perfections. These were the elements, at least, of universal progress. The classes, instead of being fortified by insurmountable barriers against the efforts of their own members to leave them or those of inferior men to penetrate within them, were hereditary only to the indolent or the unfortunate. No one was too humble to hope for social as well as personal improvement; and had the spirit of the reformer corresponded with the words he uttered to his countrymen, there might have been aroused an individual activity amongst the Persians, before which the Greeks might have quailed at Thermopylæ or Platæa.

But it was not for the Persian nation to maintain its dominion. It relaxed its rigidity more than any race we have yet here known;[1] it professed a purer religion than any other people, save only one, of all antiquity; but the wars which had been the means of its rise were the appointed instruments of its downfal. The prayer of Zoroaster for immortality,[2] that he might establish the practice of his laws throughout all ages, was vain. His visions of patriarchal benevolence in the monarchy, on whose fate that of the nation and that of the empire both depended, were dissipated by his own exhortations to combat and fanatical wrath against all disbelievers;[3] and the separation at which he connived, in religion and in government, of the Persians from their subjects, was as ruinous to them as to those they oppressed, and scorned. Real unity of law or liberty was impossible amongst a multitude of races bound to different associations and different institutions: it was not even conceivable to the reformer, or to the monarch, or to their posterity.

In the first glow, indeed, of dominion, the Persians were inspired with a vigour which was irresistible while it endured; but when their morning chant had been sung upon their battle-grounds, the day grew

[1] As in Herodotus (I. 135) we read that the Persians were ready to adopt the customs of other nations.

[2] Anquetil, Vie de Zoroastre.

[3] It ought to be mentioned, perhaps, that there are also various stories of Zoroaster's intercourse with the Brahmins, the Jewish doctors, and even with Pythagoras. See De Guigniaut's notes to Creuzer's Religions, etc., tom. I. pp. 689, 690.

weary to them, and they lost the enthusiasm and the dignity which had distinguished them under their early monarchs. The nobles, ready to imitate the kings of later reigns, forsook their manlier habits for effeminacy and incapability; while the people, indebted to the lucky accident of a merciful sovereign for any freedom they could enjoy, decreased in numbers, forgetting their loyalty and their pride. But it was at the court of the king or in the palaces of the satraps that the decline was most apparent and most foreboding; and in labouring through the tedious history of Persian despotism, it is really difficult to remember its better days and better offices that were yet so soon exhausted. The truth remains, that a government to be free, or a religion to be pure, must be fortified and consecrated by other means than exclusiveness or warfare.

The empire of Persia was a trial of wider principles of government and of broader bands of union among men than had before been brought into action. Had it been more successful, the utmost liberty consistent with its character would have been greatly imperfect; but as it happened, the freedom confined to the conquerors alone was lost by them at length under a ruthless despotism. Yet the trial brought its advantages. At the time the East was reduced beneath a single government, the West was exalting itself with the liberty its people had more fortunately obtained. To them were opened the stores of elder days; and though at first they stood confounded, they soon began to claim their shares,

and at last broke in, with sword and fire, to storm the strongholds, which disappeared as if by enchantment before their arms. This process, if it may thus be styled, of acquaintance, information, and destruction, was the great result of the Persian dominion; great, because in the successive shocks of change and passion on either side, the columns of the heathen temple were weakened for their approaching downfal.[1]

[1] See the wonderful chapter XLV. of the Prophet Isaiah.

CHAPTER V.

PHŒNICIA.

"In dem Epos des Weltverkehrs über die Meere beginnen die Phönizier."—Reichard, *Erinn. Staatsk. des Alt.* II.

"It is hardly possible to overrate the value, for the improvement of human beings, of things which bring them into contact with persons dissimilar to themselves, and with modes of thought and action unlike those with which they are familiar."—Mill, *Pol. Econ.*, book III. ch. 17.

The Phœnicians were among the nations whom Cyrus subdued;[1] but the days of their activity began before and continued after their submission to the Persian conqueror. For nearly seven centuries[2] they dwelt by "the sea and the coasts of Jordan,"[3] remarkable as a people, above all others, for the commerce which attracted them to distant lands and various races of men. The country they inhabited was narrow and mountainous. It thrust them out into the waters which rolled upon its shores, and forced them, as it were, to live by enterprise and remote adventure. Their ships,[4] catching the breezes of the Mediterranean, sailed to all the neighbouring

[1] About A.C. 550. Herod. III. 91.

[2] A. C. 1000—300. They were subdued, however, by Nebuchadnezzar about three centuries before the latter date.

[3] Numbers XIII. 29.

[4] For the building of which, as Heeren remarks, their forest-covered mountains furnished the ready means. See his Researches, etc., vol. II. sect. 1. Compare the Odyssey, xv. 415.

Φοίνικες . . . . . ναυσίκλυτοι ἄνδρες, κ. τ. λ.

coasts, and even ventured to try the ocean winds and visit the habitations of barbarians, from whom they sought the ores and natural productions which had been denied them in their own homes. In return, the Phœnicians appear to have scattered the seeds of the arts and the sciences they had themselves obtained,[1] among the people with whom their intercourse connected them; and though it would be far too much to ascribe to their pursuits, that they had been undertaken, or even supported, by a desire to increase the civilisation of the ancient world, the voice of Ezekiel the Prophet is still repeating to Tyre,—"Thou filledst many people; thou didst enrich the kings of the earth with the multitude of thy riches and of thy merchandise."[2]

The spread of civilisation amongst other nations, and the growth of wealth amongst themselves, were not accomplished by the Phœnicians as simple navigators. Wherever they sailed, in the times of their early and active labours, they left behind them some of their own number to assist them in their purposes of gain, and to acquire new resources for themselves. Though a scanty nation upon the borders of the great empires which rose and fell like tempest-waves around them, they had their own visions of dominion. They would have cast their net over the world by trade and settlements; and when they themselves

[1] One of their gifts was writing; another, arithmetic. They contributed greatly to the improvement of weights and measures. Goguet, Origine des Lois, etc., ep. 1. liv. 4, art. 1. See 1 Kings, vii. 13 *et seq.*, for the works with which Hiram of Tyre adorned the temple at Jerusalem.

[2] Ezekiel, xxvii. 33.

submitted to the conquerors who came against them, their colonies stood aloof, firm in the faith and the occupations of the mother land. The names of these colonies[1] belong to geography rather than to history, because little besides is known about them; but the fact of their establishment is a part of the history of the people who founded them in the midst of the destruction which the warlike career of other nations entailed upon the neighbouring lands.

These works of the Phœnicians could not have been done under any despotism. The moment a race distinguishes itself for industry and enterprise, it is in some way free. The Phœnicians did not live upon the sea, breathing its bracing air, in vain. They could not lay the plans of commerce, much less embark upon their execution, without sufficient liberty to promote the energies on which adventures of the sort, in those times especially, depended. Their voyages, it is true, might be generally prosecuted by mercenary seamen, so that the class of merchants, strictly speaking, was comparatively small; yet the glory[2] which the latter gained, unlike that of arms

[1] Besides their settlements on the shores and in the islands of the Mediterranean, the Phœnicians occupied Cadiz, and sailed thence, perhaps, to Madeira and the Canaries, perhaps to Britain and the Baltic Sea. They also pushed their expeditions to the East, and some writers have claimed for them the credit of circumnavigating Africa and reaching America beyond the ocean. See Cantu, Hist. Univ., ch. xxv. at the end.

"L'histoire de la colonisation des pays situés sur les côtes de la Méditerranée pourrait tout aussi bien s'appeler l'histoire de la civilisation du genre humain." Sismondi, Etudes sur l'Econ. Polit., Douzième Essai.

[2] "Thou wast replenished," said Ezekiel (xxvii. 25) unto Tyre, "and made very glorious in the midst of thy seas."

or mysteries, would be diffused amongst the entire people, in encouraging their industry as much as in compelling their submission. If it were so, the Phœnicians are the first real people of whom any idea has yet presented itself in our inquiry amongst the races of the South and the East beyond their land.

The progress represented by the name of Phœnicia is not in government, nor in law, nor in faith, so much as in occupation. The first adventurers who crossed the seas came back to become the dignitaries amongst their countrymen; others, following their example, rose to equal rank; and until commerce had become an ordinary employment, already too extended to bring in sudden wealth or lead to new discovery, the successful navigator was sure to become the eminent citizen at home, or the powerful colonist on stranger shores. Afterwards, when the individual found it more difficult to rise, because it was then more unusual to make great gains, he was still secure of being employed, and in most instances of being rewarded for his toil; though, in supposing this to be the case, we must exclude the lower classes, whose services were probably exacted without consideration or requital. It was a middle class, to use a modern phrase not altogether applicable to an ancient people, that grew up in Phœnicia beneath the expanding influences of activity and civilisation; it was the same class that obtained the authority which we find established at a later period of their history.

Sidon, the first-born, as it was proudly styled, and

Tyre were the chief cities among several with which the Phœnician coast was dotted in ancient times. Each of these was inhabited by a distinct people, and governed by a separate king, whose powers were originally hereditary and absolute. But as the activity and opulence of their subjects were extended, and especially as the people of one city were brought into contact with those of another, the royal authority declined, and was in some instances [1] totally overturned. A general confederacy was finally instituted, in which the merchant princes and the honourable traffickers, of whom the Prophet spoke,[2] obtained, in all probability, the direction of public affairs,[3] without much reference to the royal personages who yet, like autumn trees, retained a little while their honours.[4] The means, however, of describing the formation of this league and of its assemblies have wholly vanished. It is only known that Tyre and Sidon were at one time [5] its prominent members, and that Tyre alone [6] became the capital, if not the sovereign,

[1] When Tyre was besieged by Nebuchadnezzar, the king was actually displaced by judges, *δικασταί*. Josephus, Contra Apionem, I. 21.

Flavius Josephus, born at Jerusalem in 37, died at the age of sixty or upwards, in Rome. He wrote two histories on the Antiquities and the Later War of his people, whose reputation he defended in this treatise Contra Apionem.

[2] Isaiah, XXIII. 8.

[3] *Περὶ τῶν μεγίστων*, says Diodorus, XVI. 41.

[4] See Joseph., Contra Apionem, I., 17, 18, 21, for various particulars concerning the royal power and the vicissitudes of the nation.

[5] Strabo, XVI. 2, sect. 22. It is mentioned in an extract preserved in the treatise of Josephus above cited (I. 18), that the tributaries of Tyre once revolted, and were reduced by a war to obedience.

[6] See the twenty-seventh chapter of Ezekiel.

city, in after years. Nor can we trace in any way the growth of the popular magistracies established under the confederacy, and doubtless strengthened by the spirit which is clearly visible in the history of the nation. The old city of Tyre, for example, resisted Nebuchadnezzar thirteen years, "until every head was bald and every shoulder peeled"[1] in the Assyrian army; and the new city of Tyre withstood Alexander with a resolution[2] he did not find in many places of the earth. Even when the whole country submitted to Cyrus, its laws were preserved, and its inhabitants compelled to no other service, besides the payment of tribute,[3] than that of manning the Persian fleets,[4]—at once the most tolerable and the most honourable charge to such a people as the Phœnician.

The great deity of the Phœnicians was Melkarth, known to other nations under the name, but not the character, of Hercules. The strength of the god adored in Greece and Rome as the healer of pestilence and the subduer of oppression was previously recognised in Phœnicia as consisting of craft and ferocity, which needed to be appeased in times of prosperity rather than to be invoked in times of danger. Yearly, in the spring-time, a multitude came to the spot selected for the horrid rites which made their service acceptable to the deity whom they never ceased to fear. If one had the heart to fix his eyes upon the scene, and watch the figure of the pontiff[5] who presided at

[1] A.C. 567. Ezek., xxix. 18.

[2] A.C. 332. See Thirlwall's History of Greece, ch. l.

[3] Herod., iii. 91.

[4] As under Xerxes. Diod. Sic. xi. 3. Cf. Herod., iv. 89.

[5] Whom Justin calls the next in honour, "honos secundus," &c., to

the fiery sacrifice, he might seem to see the personification of the Phœnician character arrayed in golden robes, of ardent mien, and yet with a mind disturbed by objects unworthy of steadfast interest or unscrupulous devotion. The faith which the people received and the pontiff celebrated was a rock upon which the richest vessels of its worshippers would have been foundered, though freighted with a truer liberty and a truer humanity. Of those races, in ancient days, "which remained among the graves," the Phœnicians were one; and the voice of the Prophet is heard once more:—"Thou hast defiled thy sanctuaries by the multitude of thy iniquities, by the iniquity of thy traffic, ... and I will bring thee to ashes upon the earth."[1]

Thus then there are two sides to Phœnician, as to all other history. On one, we find the people growing in energy and in liberty, from year to year, as they caught more of the spirit that walks upon the waters. Their adventures were neither the summer sailings of the random voyager, nor yet the wintry trials which the modern seaman, in his robust vessel, laughs almost utterly to scorn. The Phœnician ships were feebly built and rudely managed, unfit to dare the seas beyond the sight of land, and rather employed in creeping along the shores, as if

the king. Hist., XVIII. 4. An instance of the king's being displaced by the pontiff occurs in Joseph., Cont. Apion., I. 21. Cf. Pastoret, Hist. Légis., tom. I. p. 328.

[1] Ezekiel XXVIII. 18. Cf. the Odyssey, and the heathen poem will be found to tell the same story:—Φοίνιξ . . . . . ἀνὴρ, ἀπατήλια εἰδὼς Τρώκτος ὃς δὴ πολλὰ κάκ' ἀνθρώποισιν ἐώργει. — XIV. 288, 289.

the earth, as much as the water, had been their element. In spite of such embarrassments, the Phœnicians reached the remotest regions, and returned after long absences to renew their ventures upon the waves. One of their exploits remains recorded by the oldest off all the heathen historians. Neco, the Egyptian king, having resolved, it seems, to order the circumnavigation of his dominions, intrusted the attempt to certain Phœnician men, as the best of any to make the cruize successfully. They accordingly set sail down the Red Sea, hugging the land as they proceeded, and disembarking at seed-time to sow their grain upon the coast, and wait its ripening, so that it was three years before they returned to Egypt, where they reported they had seen the sun to the north, "on their right hand."[1] Timid as such an expedition now appears, it was then enough to have brought back a crew of men unfit to be governed by principalities or castes, as if they had been slaves or warriors.

The other side of their history relieves us from any wonder that the discoveries and the energies of this half-known people should have wrought no greater changes in the world. It shews, besides, that the character of a commercial was just as different as that of any other sort of nation, in ancient times, from the Christian conceptions we have been taught to form of what it is or might be now. The conquests of the Persians and the adventures of the

[1] Which, says Herodotus, "is past my belief." iv. 42.

Greeks put an end to the prosperity of Phœnicia from which its colonies were already severed, or ready to be severed, by any fate befalling the mother-land. Yet, though the civilisation of the ancient world was less indebted to the Phœnicians than is often imagined, and though they had been unable to free themselves from a corrupt and a barbarous faith, they were nevertheless the first people, as such, apparent in antiquity.

CHAPTER VI.

THE GREEKS.

"The taste, love, and intuition of the Beautiful stamped the Greeks above all nations."—BULWER LYTTON, *Athens*, i. 112.

"Localism was the only form of political liberty they had ever known."—*Industrial History of the Dutch*, p. 239.

SECTION I.

THE COUNTRY AND THE PEOPLE.

A LAND of beauty, yet of singular disunion, lay westward of any to which we have here returned. Towering peaks[1] thrust themselves skyward between broken valleys; or where mountains were distant, the plain was parted by a river or the land ploughed through by waters from the sea. Races of men on the same soil, a few leagues apart, were as completely separated as though they had been inhabitants of different worlds. Each country was divided into various cities and territories, in which its strength was often squandered and its sympathies were unceasingly confined. It seemed as if there had been given to each a separate patriotism, which grew into active rivalry with the other as soon as the sea was crossed or the mountain scaled. The stream

[1] Αἰπεινὰ κάρηνα. Il. xx. 58.

will sometimes pour into many channels the strength that would be more majestically gathered into one; but it needs little love for nature to rejoice that the verdure of one meadow will be borne over a whole land with the caresses of the lighter-flowing currents to which the larger has yielded up its powers. With all its divisions, Greece possessed an unchanging beauty. Its atmosphere, glowing with southern hues, yet not consuming the earth it rather wrapped in haze, was full of visions to the upward eye. Grandeur and repose belonged to the mountains by which the land was raised nearer "the everlasting stars;" softer scenes were crowded in the plains or by the streams; while changefulness and splendour crested the deep and dark-blue waves which leaped and shone and roared upon the steadfast shores. Nor was all this magnificence without generosity. The soil in most places rewarded its cultivators with abundant harvests of fruit and grain: while even from stony ground, where seeds would fall in vain, and from mountain fastnesses, were yielded metals, and those more precious marbles responsive to the thought as to the touch of man.

The Greeks lived in a favoured land; they proved in antiquity to be a favoured race. Their mingled dignity and restlessness were gifts of the nature in which their homes had been ordained;[1] and so their

[1] "Unrivalled Greece! . . . . where every power benign Conspired to blow the flower of human kind."

THOMSON.

We have a witness from Greece itself, in the conclusion of an oration (Ctes. de Corona) by Æschines:—Ἐγὼ μὲν οὖν, ὦ γῆ καὶ ἡλίε καὶ ἀρετὴ καὶ σύνεσις καὶ παιδεία, ᾗ διαγινώσκομεν τὰ καλὰ καὶ τὰ αἰσχρὰ, βεβοήθηκα καὶ

longing after the beauty of the inward world came from the glories they beheld in their cradles, and among which they had their not quite hopeless tombs. But the same separations which were marked upon the earth could be traced among the habits and the hopes of the people. Into these, however, as into their affections for beauty, we must enter more particularly; for through these the sum and substance of Grecian liberty are to be comprehended.

The changes of centuries have not much lessened the admiration of mankind for the activity and the enterprise of the Greeks. The temples they built, the colonies they founded, the institutions they formed, are like monuments which generation after generation will still marvel at and examine, as if to discover the secret power by which they were contrived. No poetry will rob their Homer of our love; no philosophy, silent of Christian teachings, can ever breathe with serener truth than that of Socrates. Heathen history owes its best pages to Thucydides; heathen justice still takes the life of Aristides for its best example. Eloquence, so far as it depends on language, cannot rise higher than with Demosthenes; and art, so far as it consists in form and execution, has never even equalled the long-lived creations of Phidias and the nameless sculptor of the Apollo. It would be vain to enumerate these names, were they

εἴρηκα; I thus have pleaded and have spoken, O Earth and Sun and Valor and Understanding and Education, etc.;—as if the beauties of the world and the virtues of men were inseparable. Becker, in a note to his Charicles (p. 38, Eng. trans.), mentions a few other passages of the same kind. Cf. Müller, Anc. Art., sect. 435.

not sufficiently familiar to represent the ideality and the effort of a people in love with beauty. There are others, suggesting different associations, yet readily associated with these. The love of beauty is not alone the love of things material, or even intellectual, but of things moral, the most beautiful of all. Imperfectly as these could be known in Greece, they were not neglected in the abundance of other objects of cultivation and exertion. The dangers and the sacrifices of Aristomenes for the sake of Messenia,—the death of Leonidas and his three hundred, faithful to iron-hearted Sparta,—the devotion and the triumph of Thrasybulus over his evil-minded countrymen at Athens,—are all illustrations of the love for home and law and liberty, which are more truly parts of the one great principle of beauty than poetry or policy or art; they are the human groundwork of a Divine morality.

With signs so universal of spirit and aspiration are blended other signs of separation and imperfection. Each nation lived according to its own law, with which there was little harmony in any other law. Each people pursued their occupations or their festivals, except in rare instances, as if the world were all too narrow for sacrifices or labours besides their own. The very devotion to whatever was accounted beautiful engendered strife. The ideal in one place was not the ideal of another place; and they who upheld a peculiar principle of their own were set against others to whom the same principle was unwelcome or unknown. Some sort of contention became a part

and parcel of every earnest duty. It did not spring from knowledge of truth, nor yet from hatred of error, but was aroused by a spirit of defiance against any difference of opinion or any variance of action. It now appears—it may have appeared of old—that the cultivation peculiar to the different inhabitants of Greece was quickened by the conflicts in which their powers were arrayed on opposite sides. Through the very narrowness of their divisions, the energies of each race or of each state were more generally excited and more actively employed. Each was a household, in which the youngest and the weakest had their parts, rather than a nation, in which the strongest alone were able to protect themselves and to scourge their inferiors. There were evil passions, indeed, in every house and every city. Fathers and sons were often severed; masters and slaves were always enemies; one class and another were seldom at peace. Nor was the town or the dwelling haunted only within its walls. A whole territory was similarly infested; and the nation, divided against itself, was armed against its neighbours, perhaps its kinsmen. Greece became a battle-field, in which the prize was not the perfection of any of its hostile races so much as the mastery of one over another people.

Yet there were great blessings to Greece and to the world evolved from out her battles. It cannot be too strongly urged, that the results to be gained through struggles in arms are doubly hazarded;[1] yet

[1] This ought to be very clear. Such reasoning as Cousin's (Cours,

when they can be seen to have survived the conflict it is more than ever our duty to be thankful, that, in the midst of wrongs and sufferings, there still stand forms of light and loveliness. There can be no greater comfort in history than the appearance of truths, humane or holy, upon the earth: once descended, they remain with folded wings, as if their duty were henceforth inseparable from the good of men. In Greece we have arrived at one of these happier periods, not as when manna dropped, or when the still, small voice was heard, but when humanity, without being actually purified in heart, was lightened of the burdens under which its body and mind had both been benumbed. India, Egypt, and Persia have been like lands depeopled, in which the only materials for history are the governments, and the powers which the governments suffered or forced their subjects to exert. Society, in its substance as well as its form, has had no possible existence; and vainly would one attempt to retrace the vestiges of habits and feelings which have been long obliterated. But in Greece, the world of human beings expands into a society of living, acting, and hoping men, amongst whom government sinks to a secondary place in history, and even laws become unimportant

etc., Introd. à l'Hist. de la Phil., Leçon IX.) is bad enough. It begins with "La guerre est utile." and ends with "La guerre est nécessaire à la vie." Only in the early period of a nation's history, in its deepest barbarism, can war be either useful or necessary. The Italian Gioberti is more of a philosopher than the Frenchman, in saying, "L'azione conciliatrice della civiltà essendo una pugna colla barbarie dee cominciar colla guerra; la quale è perciò la prima dialettica delle nazioni." Prolegomeni, p. 71.

except in their immediate connection with the minds and the deeds of those by whom, and, as we can say at last, for whom, they were framed.

At the same time that the growth of society was helped by the rivalry and activity amongst the nations of Greece, its natural offspring was conceived. The lower orders not only became of consequence to the higher, but, as warfare continued and civilisation dilated, they rose, themselves, towards and to the higher, while new classes were brought from hitherto silent shores to cover the ocean upheaving with strength and hope. Henceforth the fitness of man for freedom was determined; and beings trampled in the dust, above which they were supposed incapable to lift their faces, much more their souls, were recognised as having their portion, also, in humanity. It must be plainly added, that these were results in their beginning only; but the beginning was the boon most desirable to mankind. The course of ancient history brightens with increasing liberty; yet liberty, though the inspiration of progress, was, as we may see hereafter, the forerunner of that humiliation in which heathenism departed and Christianity appeared.

With these recollections, we may gain some definite knowledge of Grecian liberty, although it be nearly impossible to do justice, in a few pages, to a subject fitted for patient and profound inquiry. Three periods are to be considered:—one, the age of heroes and kings, continuing until the tenth or eleventh century before our era; the second, the age

of laws, lasting five or six centuries, through the Persian war; and the third, the succeeding period of struggle and ruin.

SECTION II.

AGE OF HEROES AND KINGS.

After long and uncertain years, in which age had succeeded to age[1] and change to change, it seemed in Greece as if the ties that had scarcely been formed amongst men were about to be severed, like Gordian knots, by the swords which none knew how to sheathe. The ancient historian began his narrative of a later war by recurring to the memories of primeval conflicts, and wrote how Greece was clad in iron, and how the lives of its inhabitants were spent in arms.[2] The shepherd who watched his flocks among the mountains or along the river's sides did not escape the universal warfare in the wild and lonely haunts to which he was sent against his will. His quarrels with his fellows were in wrathful mimicry of the battles and the glories which were denied him in the world; and when the warrior's call to

[1] See Hesiod's chronology in the Works and Days, 108 *et seq.*

[2] Πᾶσα γὰρ ἡ Ἑλλὰς ἐσιδηροφόρει διὰ τὰς ἀφράκτους τε οἰκήσεις καὶ οὐκ ἀσφαλεῖς παρ' ἀλλήλους ἐφόδους, καὶ ξυνήθη τὴν δίαιταν μεθ' ὅπλων ἐποιήσαντο, ὥσπερ οἱ βάρβαροι. Thucyd., i. 6.

It is scarcely necessary to mention that Thucydides, here first cited, was the greatest historian of antiquity, or that his work was a history of the Peloponnesian War. He lived A. C. 471—361.

arms resounded through the plain or up the glade, there was not one of his retainers who did not rejoice to throw away the crook and grasp the pointed spear. The historian quoted a few lines back lamented, on arriving at a subsequent epoch in the legendary times, that there was still no tranquillity nor civilisation.[1] It was harder for him, however, than for the humble-minded Christian to believe, that, when a whole nation is inspired with the same desires, and formed, apparently, for the same toils, it must through these, whatever be their kind, be directed to the attainment of some great ends. It appears, at first, in Greece, as if the field was only to be sown for harvest with human blood and bones.

Among a nation thus inclined and thus employed, almost any man could be a hero, provided he were brave and hopeful. The strong arm and the resentful mind were the endowments most coveted and most respected; and when united with princely, or even, as was often believed, with immortal birth, their possessor was the real and the exalted hero. The liberty of the age, however, is not to be judged by the nominal capacity of every warrior for heroism,[2] but rather by that obedience which the followers

[1] Μὴ ἡσυχάσασα αὐξηθῆναι. Thuc., I. 12.

[2] "In the poems of Homer,"—the best authority, by far, concerning the hero-age,—"it [the term *hero*] is applied, not only to the chiefs, but also to their followers, the freeman of lower rank." Thirlwall, Hist. Greece, ch. v. Creuzer remarks, more precisely, (Religions etc., Liv. VII, ch. I,) that the word was applied universally; and that "whoever raised himself by his merits above the common stature of humanity was a hero."

rendered to their dashing chieftain, in concession of his superiority. They who were emphatically heroes were princes in their own times, and, generally speaking, the progenitors, real or imaginary, of the later kings. Venerated with such submission as to make their poet speak of them as though they had been worshipped,[1] their preëminence was not confined to the present world; but in the divine existence to which most of them were summoned, they were above the mass of the immortals almost as much as above the mortals whom they had left behind to build them altars and make them offerings on bended knees. The freedom of such a period was primarily, at least, in the hands of the class from which it received its name. But the superiority of the hero is not to be regarded as founded merely upon martial prowess or severe dominion. He was the great, the greatest, warrior[2] of the host he led; but he was also the one above all others to conceive the deeds and to endure the labours which no ordinary spirit could shape and no ordinary energy achieve.[3] Menelaus, girding on his sword in the morning,[4] or turning his brother's heart against a

[1] Θεὸς δ' ὡς τίετο δήμῳ. Iliad, v. 78.

[2] Et optimus quisque dictus ἄριστος, qui Ἀρεῖ (Marte) esset præstantissimus. Ever. Feith, Antiquitat. Homer., lib. iv. 7. See Aristot., Pol., iii. 10.

[3] "The fundamental idea," says Otfried Müller, "of all the heroic mythology may be pronounced to be a proud consciousness of power innate in man, by which he endeavours to place himself on a level with the gods, not through the influence of a mild and benign destiny, but by labour, misery, and combat." History of the Dorians, Eng. trans., vol. i. p. 444.

[4] Odyss., iv. 308.

work of mercy,[1] is the warrior, the brute rather than the ideal hero. There are, fortunately, other images to instruct us in the purposes of the warfare and the objects of the preparation which characterise the heroic age.

It would be absurd, indeed, to represent the heroes or the succeeding kings as having been conscious of making straight the ways of their posterity. But the legends which describe their actions seem to have described their aspirations likewise; and it is a harmless concession to give these a place in history, if not as realities, at least as illustrations of the character and the freedom of the Greeks. It is impossible, however, to separate the legends into any chronological order, or to sift their grain of fact from the fables through which they relate the achievements of their heroes.

Hercules, sprung from the loins of Jupiter,[2] was believed by many to have preferred, of his own accord, the path which virtue beckoned him to pursue.[3] Others credited the story of his father's oath in heaven, by which Eurystheus, the king of Argos, obtained the mastery over the hero whose labours were therefore involuntary. But he was also, of his own will, a labourer, or rather a warrior; the stormer of cities, the conqueror of armies, and the protector of the weak who obeyed, as he was the hero of the brave who followed him.[4] If these various traditions

[1] Iliad, vi. 62.

[2] So late as within the century before the Trojan war. Clinton, Fasti Hellenici, vol. i. pp. 78, 139.

[3] See Xenoph., Memorab. ii. 1, 21, *et seq.*

[4] See Grote's History of Greece, vol. i. p. 128.

be susceptible of interpretation upon any single principle, they may be resolved into the glorification of force, though not carried so far as to be extravagant. The hero was received amongst the immortals, and the cup-bearer of Olympus, the daughter of Juno herself, became his bride; but the gods were wont to jeer at him, as if the strength by which he had wrought his famous deeds were not mistaken for the acme of human power.

The voyage of the Argonauts under their hero Jason, typifies the adventure of their times, and is the first visible introduction of another occupation besides that of warfare amongst the Greeks. Nevertheless, the Argonauts were anything but simple mariners. The birds, whose flight they followed across the Euxine, led them indeed to the golden fleece they sought; but battles were fought and crimes committed before the voyagers returned. Such an expedition, however conducted, beyond the seas, could not fail of being imitated and surpassed.

The legend of Æsculapius chronicles the earliest science in Greece; and though he was but the beginner of its pursuit, his success in healing the broken limb and the fevered frame immediately proved so great as to provoke the fury of the gods of heaven and hell,[1] enraged that a mortal should dare to play the giver of immortality. He was struck dead in consequence; but the deities themselves consented to his reception in heaven, while men, remembering his peaceful toils and benevolent

[1] Diod. Sic., iv. 71. Apollodorus, Bibliothec., iii. 10. 4.

deeds, declared he was the son of Apollo, the lord of light and life upon the earth.

Still another degree of heroism is portrayed under the name of Æacus, the king of Ægina, who was designated by the oracle of Delphi, in a season of dreadful drought, as the only man whose supplications could avert the punishment which the crimes of his countrymen deserved.[1] Æacus prayed, and the drought was arrested. While the nation rejoiced over their relief, the king built a temple to the Grecian Jupiter on the mountain where it was said he had stood to pray;[2] and when he died, he was himself venerated as the son of the God to whom his temple had been reared.[3] Such was the piety of Æacus and of his times.

The island of a hundred cities,[4] as Crete was called of old, was inhabited by various barbarian tribes. Warriors or pirates, according to their position on the coast or in the interior, they were so much divided, not only from one another, but amongst themselves, that violence and hostility were habitual with all. It was over one or several of these rude and severed races that Minos of Cnossus obtained rule by overthrowing his brother,[5] and then by conquests on sea and shore.[6] His renown as a

[1] Diod. Sic., iv. 61.

[2] Mount Panhellenius, now Oros, of Ægina. Pausan., ii. 30.

[3] He was made one of the three judges in Hades.

"Judicantem vidimus Æacum."
Horat., Carm., ii. 13. 22.

[4] Iliad, ii. 649.

[5] Herod., i. 173. Minos was of the third generation before the Trojan war. Ibid., vii. 171.

[6] Herod., i. 171.

hero, in after times, proceeded chiefly from his dominion over the Grecian seas,[1] and from the check he was thus enabled to put on the piracies and murderous expeditions that had become so frequent, not only from Crete, but from many other points, as to render it necessary to build towns far from the coasts,[2] on which there was no safety against marauding strangers. As a king, the fame of Minos was equally brilliant; he was the first to reform the wanton customs of the Cretans in their relations to one another; the first to encourage colonisation and civilised commerce;[3] above all, the first to give his subjects some simple laws,[4] of which it would be vain to seek even the outlines. So much, however, was not supposed to be done by means of human authority alone; and they who regarded Minos as having been the hero of order amongst their ancestors, declared he must have been the son, or, at least, the friend of Jupiter.[5]

Contemporary with Minos, his rival, indeed, and conqueror,[6] was Theseus of Athens. He was described, not as having had pretensions to divinity of race or knowledge, but as having trusted in himself

[1] Aristot., Pol., II. 7. 2. Herod., III. 122.

[2] Thucyd., I. 7.

[3] Ibid., I. 4.

[4] Tacit., Ann., III. 26. So Ubbo Emmius, in his treatise "Respublicæ Græcorum," styles Minos the legislator rex. Cap. III.

Tacitus, born near the beginning of Nero's reign, about A.D. 60, is generally considered as the greatest of all Roman historians. His histories of the imperial times will, however, assist us only incidentally in these volumes.

[5] Odyssey, XIX. 179.

[6] Unless we give Minos a grandson, to be the contemporary of Theseus and the feeder of the Minotaur with boys and girls from Athens.

and in the designs whose execution may safely be pronounced to have been the beginning of Athenian glory. We need not here recall him as the imitator of Hercules, the victor of the Amazons, or even as the deliverer of his country from shameful tribute to Crete, but simply mention the heroism, uncertainly as it is ascribed to him, of having founded the commonalty of Athens.

It is with great doubt that any details of this "marvellous great enterprise," as the wondering Plutarch described it, after an interval of thirteen centuries, are now to be accepted; but the account[1] we have, though it be ever so unreal in many particulars, is sufficiently trustworthy to illustrate the union which was, at some time or other, accomplished amongst the Athenians. Each town of Attica once had its Prytaneum, or tribunal where justice was administered, and the assemblies or festivals of the neighbouring inhabitants were held. It was the civil, just as the temple was the religious, sanctuary; and so long as one remained to every different settlement, the division of Attica was irremediable, in consequence, not only of independent, but of conflicting interests. It would have been more consonant with the old royalties of Greece, that a separate king should have ruled in every community, than that there should have been to each a body of war-

Theseus was born in the generation following that of Minos, before the Trojan War. Clinton, Fast. Hell., vol. i. p. 64, note 7.

[1] In the Life of Theseus by the good old biographer; and in the history of Thucydides, ii. 15. Pausanias (i. 3. 2) confesses to the exaggerations concerning the hero.

riors or of husbandmen in possession of authority. This, however, is past finding out; nor is it easier to gather whether Theseus went about, as is narrated, in the guise of a suppliant, or armed himself, as is probable, to bring his subjects to reason; these things are no more to be told than the hue of his hair or the tone of his voice can be described. One single tribunal was finally established in Athens, and the divisions of the Athenians were no longer local, but only those of individuals or classes in general: as Plutarch relates, they were nobles, husbandmen, and artisans.[1] All this, however, is but a dream[2] of the freedom for which Athens was afterwards illustrious, that Theseus had inspired his subjects to behold.

One reason for believing Theseus to have been the hero of a great revolution consists in the multiplied traditions concerning the fate which befell him. The victory, it seems, was fatal to the victor, and Theseus, unable to resist the ingratitude and the force which were brought against him, went into exile, with many curses, it was said,[3] upon the Athenians. The heroism of his life was thus both requited with wrong, and crowned with passion and despair; but when, long after, his bones, or some supposed to be his, were discovered in the island where he died, they were brought back with great joy and buried

[1] Plut., Thes., 25. The Greek names of the three classes are these, Εὐπατρίδαι, Γεωμόροι, Δημιουργοί. If the artisans mean the strangers or the slaves, they must not, of course, be considered enfranchised. The husbandmen may have been the small landholders.

[2] Plut., Thes, 32.

[3] Ibid., 35.

beneath a tomb, which long continued to be a sanctuary to the oppressed,[1] in memory of the early hero.

The spirit of a people, if it have any, is nearly the first and the last chapter in its history. As much the gift of Heaven, in the beginning, as the earth upon which the wall is laid, or the waters upon which the sail is given to the wind, it is the creator and the creature, the actor and the sufferer, in all the after-existence of the nation into whom it has been originally breathed. The spirit of the Greeks was first embodied in their heroes; and it is for the sake of the substance they contain rather than of the forms they wear, that the legends from Hercules to Theseus have been here repeated. It would be desirable to separate the true from the untruth in them,—so much, at least, as to know what was done and what was believed by the minstrel or the story-teller to have been done; for we should then be sure how far our view was, so to speak, prospective of the nation, to which the heroes were but the pioneers.

Greece, as we have now sufficiently observed, was full of different interests, for ever contending and for ever changing. The mountains were not impassable; but the people of one town were unable to behold the walls of another, unless they left the valley or the nook in which they nestled by themselves. Sometimes nearer neighbours would unite for the sake of celebrating their common festivals with greater splen-

[1] Plut. Thes., 36.

dour and security; and the chance gatherings once commenced might become the established meetings of a religious or a national confederacy. The great Amphictyonic league, between as many as twelve different states,[1] may have arisen from some such simple origin; and though there were no very numerous or very considerable functions involved in the protection of a temple or in the fulfilment of the rites to which the temple was dedicated, the connection between the members of the league was sure to be a humanising and a strengthening bond.[2] Other motives of union would exist in the purposes of adventure or warfare to which their activity was continually directed; and any chief who took shield and spear from their resting-place had only to send a herald forth with a summons, to fill his camp or fleet with followers. Every century, if not every year, must have witnessed a union nearer in many ways amongst the Greeks, who, kindred in all the prominent characteristics by which they were distinguished from other people, could not live so utterly apart as not to know one another's names and be proud of one another's deeds. The curse of the nation was

[1] The Thessalians, Bœotians, Dorians, Ionians, Perrhæbians, Magnetes, Locrians, Œtæans or Ænians, Achæans of Phthiotis, Malians, Phocians, and Dolopes. See Hermann, Polit. Antiq., and the references in note 3 to sect. 13, ch. 1. Each of these tribes sent deputies to the Council, which, together with the great Assembly of the League, met semiannually at Delphi or at Thermopylæ.

[2] "We perceive," says Thirlwall, "two main functions assigned to the council,—to guard the temple at Delphi, and to restrain the violence of hostility amongst Amphictyonic states." Hist. Greece, ch. x. See Wachsmuth, Hist. Antiq., sect. 24.

war; its blessing was varied and unceasing progress: by the latter its people were united, or would have been, had the former been spared them in their destiny.

Their most thorough union, in the age of the heroes, was brought about by the war with Troy.[1] It seemed, indeed, as if these restless times must end, at last, in some great outbreak of the warlike enthusiasm which, even with Minos and the countrymen of Theseus, had retained the uppermost place in Grecian hearts. The poets sang that Jupiter ordained the Trojan war in order that the earth might be lightened of its heroes and a new age ushered in.[2] More various forces and more gallant chieftains had never met, according to the story, than assembled at Aulis to fill the fleets of Agamemnon. The fair wind, obtained by the massacre, as was commonly believed, of a maiden child, bore on the multitude without remorse to the ruin of Ilion and the people of spear-armed Priam. The dissensions and disasters of the victors are familiar tales.

At the beginning of the new age which we have supposed to wait the disappearance or the transformation of the heroes is the place of Homer. He is not yet far enough removed from the departed, it

[1] The fall of Troy is placed, according to Eratosthenes, at A.C. 1183,—according to Callimachus, at A.C. 1127. Clinton's Fast. Hell., vol. I. p. 140.

[2] Cypr., Carmin., I., from Schol. ad Homer., Il., I. 5.

"And many brave souls loosed
From breasts heroic," etc.,

as the Iliad begins. The cause of the war was also ascribed to the hatred of Jupiter for Priam. Il. XX. 306

might still be called the departing, period, to escape the love of battle and warlike life above all other scenes or memories. But if he sings of conflicts, he sings of virtues in as fervent strains; and as time has thrown its mellowness around his song, the sharp sounds of the spear, the groan, and the angry tongue of his heroes are softened into the devotion, the hospitality, and the affection of our own fellow-men.

The grief of Andromache for Hector's peril, or the joy of Penelope at Ulysses's return, was the exaltation of all womanhood in the sympathy expressed and awakened for them. The love of friend or father was as tenderly described; and the duty of the child was recognised in a single word, which meant the nurture returned to the parent by the offspring.[1] The hero of Troy was the hero of humanity; not Achilles, indeed, but Hector, the compassionate brother to Helen, the humble son to Priam, the loving husband, and the childlike father, who would not offer up his vows with bloodstained hands.[2] A softer light is spread over poetry such as this; and truths we reverence appear as if half revealed through opening clouds. Beyond all evils was seen one universal right, no longer ideal, but actively supported on earth as well as above Olympus. The poor man and the stranger were confessed to belong to Jupiter, who would himself accept the slightest gift and himself

[1] *Θρεπτήρια* or *Θρέπτρα*. Il., iv. 478.

[2] "Nor is it lawful, thus imbued with blood and dust, to prove
The will of heaven, or offer vows to cloud-compelling Jove."
Il., vi. 266—269, Chapman's transl.

avenge the slightest injury to them.[1] Where such things were sung and welcomed, liberty had surely obtained a foothold, and a firm one.

It is not worthy of those who love their race, to question the existence or the works of Homer. No troop of minstrels could have so consistently described the seen, or so continually aspired to the unseen world. The ardour for battle and the love of truth, with which the Iliad and the Odyssey are both filled, are such in their expression, as one and the same poet could alone harmoniously breathe. Yet while the grandeur of these poems was surely unattainable, except by one whose harp was strung to the sublimest airs, the feelings to which he gave a voice existed, though unsung, within his countrymen. His poetry is the utterance of an individual; but its character is altogether national. It came forth from a free spirit, adventurous yet devotional, to chime in with the same tones in every other spirit akin to his own. The place he fills in the history of Grecian liberty[2] is of one who speaks aloud and fervently of glories present to him and to his nation, while in the same breath he foretells the greater glories to come. And every Greek who strained his eyes to see the visions which Homer beheld in his blindness was unconsciously quickening the future dawn.

[1] Odyss., VI. 207, 208, IX. 270.

[2] "The ἀκμή of Homer, taken from the age of 25 to 60 years, will fall," is the conclusion of Mr. Clinton, "within B.C. 962—927, or from 165—200 years after the Trojan era," reckoning this at A. C. 1127. See note to Fast. Hell., vol. I. p. 362.

The political forms under which a people live are, as has been already intimated, much less worthy objects of inquiry than the spirit from which they spring, and upon which they react, as the secondary, rather than the primary, element of liberty. The institutions of the early age in Greece may be very simply delineated. At first, the hero and the prince were generally identical; whoever had the strongest arm and the boldest heart was the ruler of others who could not rule themselves. But in following years, the hero was sometimes subject, as Hercules to Eurystheus, and the authority of the king rises superior to the fame of the hero, wherever the two are separated. The claim of birth displaced the claim of strength, and hereditary power succeeded to the power of the old heroism. Homer intrusts his kings with duties as well as with dominions; and it was then or soon afterwards the universal belief, that sovereign authority depended upon the pleasure of the immortals who might command the subject to punish the crimes of the king.[1] Next to the king were the nobles or warriors, his immediate companions and counsellors, who formed the Boule, or council, of the state; and after these, the main body of freemen, who met in the Agora, or assembly, to be made acquainted with the decision of the council, which had itself been adopted at the command or the instigation of the king.[2] The nobles were the progressive class,

[1] "Indeque reges Homero passim dicti Διογενεῖς, Διοτρεφεῖς, a Jove geniti ac nutriti." Ev. Feith, Ant. Homer., II. sect. 1. See the Iliad, I. 238, 239, II. 205, 206; and the Odyssey, III. 214, 215, XIV. 83, 84.

[2] See Grote's account of the assembly described in the second

as they may be called; to them the king yielded the priestly robes that he had hitherto worn with his armour; to them, also, he surrendered the judicial offices which he would be either indifferent or unable to exercise. The lower classes had still to bide their time for power, though their rights were more generally acknowledged. Neither slaves nor strangers were protected, except, perhaps, in life and limb; but the number of these was so small in each divided town or kingdom, that they would scarcely then appear entitled to consideration.[1] The government over all the people was one of arms; and though there might be some sort of laws, divine and human, in existence, they were engraven on the shields or suspended to the swords of the nobles and the heroes.

The best principles of liberty under these heroic governments consisted in the truths concerning earth and heaven, which, as we have seen, were partially disclosed; but the actual occupations and relations of the Greeks are, after all, the surest materials of any general conception concerning the condition and the prospects of their race. The hero of the Odyssey is described, not only as the crafty warrior, but as the active husbandman and the skilful artisan;[2] and as

book of the Iliad. Hist. Greece, pt. I. ch. 20.

[1] "On the whole," says Grote, "the slavery of legendary Greece does not present itself as existing under a peculiarly harsh form, especially if we consider that all the classes were then very much upon a level in point of taste, sentiment, and instruction." Hist. Greece, vol. II. p. 132.

[2] Odys., XVIII. 366 *et seq.*, XXIII. 189 *et seq.*

these three were the only divisions known in the time of Ulysses, it appears that the boundaries of birth and of employment were not so rigorously defined as to be oppressive. The truth is, that the heroes were as little cultivated in intellectual tastes, though generally freed from manual occupations, as most of the men by whom they were admired or obeyed; and if they employed themselves in the same labours that their inferiors habitually pursued, on the other hand, the common classes would sometimes engage in the adventures and the exploits by which the renown of the heroes was acquired. In this respect, the narrowness of the ancient states in territory and population would very greatly contribute to the increase of individual energy and general union. Each man was important to the whole body, while there were but few in all; and between fellow-townsmen or near neighbours a spirit of kindliness and concord would gradually be formed, in preparation for the law and the freedom not yet appeared. The concentration of a people, like that of Attica,[1] into a single city was followed by more important consequences than Theseus or any hero could have foreseen. The country and the town folk would be instantly benefited by the change which opened larger markets and established wider festivals; but as year succeeded to year, the collected and the

[1] "On trouve les traces d'une semblable révolution chez les Arcadiens [Paus., Cor., 15] et les Argiens [Id., Attic., I. 2]. Elle paraît même avoir été générale parmi les anciens Grecs." Ste. Croix, Gouv. Fédératifs, p. 11.

strengthened people would be continually fitter[1] for the laws that were yet to be brought them by Lycurgus and Solon.

The religion of the heroes was in all important points the religion of their posterity. More cheerful and more social, as it is commonly described, than almost any other forms which heathenism assumed, it was too much the creation of men according to their own image to be in any wise spiritual. The race of gods and of men was everywhere believed to be but one.[2] The same clouds which covered men with shade or rain were believed to encompass the immortals of Olympus; the same sensations, the same delights, and the same sufferings which belonged to the human were attributed to the divine nature; and the will of Jupiter was nearly as much exposed to be thwarted or controlled as the desires of the humblest mortal who knelt before his altars upon earth. If the character of gods like these were unable to fill their worshippers with terror, it was equally unsuited to the purposes of hope and of consolation.

In the manner of worship there was more to satisfy the souls that had not yet dreamed of Heaven in its joy. The priest was one of the people; always, indeed, of the higher class, but still as much a mortal as any of those who joined his ceremonies or celebra-

[1] The distinction between town and country, so far as political improvement was concerned, is drawn in Müller's Dorians, vol. II. pp. 70—74, Eng. trans.

[2] Ἓν ἀνδρῶν, ἓν θεῶν γένος. Pind., Nem., VI. So Hesiod, Works and Days, 108 *et seq.*

tions. These were all magnificent and tumultuous, exhilarating the eye and the ear, at least, with sounds of poesy and music, and scenes of splendour and applause.[1] Even the mysteries, so called, though sometimes regarded as impositions, and sometimes as merely traditional ceremonies, seem to have been introduced in order to lighten the gloom yet fearful to those of more anxious thoughts or more desponding prospects. This withdrawal of the veil from the services, if not from the truths, of religion was ordered in mercy, such as the Greek, however, of early or of later times, was not permitted to comprehend. The forms which were seen to people his heaven did not immediately dissuade him from his devotions. But in proportion as his love of beauty was deepened and his search for truth extended, the wants which he of the true heart would feel to be unsatisfied from on high were the incentives, at first, to greater courage[2] and then to wider scepticism in inquiry.[3] With courage, he would be borne on, like Socrates, to powers exceeding the limits of all ancient liberty; with scepticism, he would be reduced, like the contemporaries of Cicero, to the weakness and the humility which were required of mankind before the star arose over Bethlehem.

[1] See the account which Xenophon gives of the sacrifices. Ath. Resp., II. 9. 10.

[2] Of which there is a remarkable instance in the story which Herodotus relates concerning Aristodicus and the oracle at Branchidæ. I. 159.

[3] See the sketch which Warburton gives of the "attacks of curious and inquisitive men" to which religion was exposed. Div. Leg. of Moses, book III. sect. 6.

SECTION III.

THE AGE OF LAWS.

The union of the heroes before Troy, too fragile to outlast the city for whose destruction alone they were combined, was followed by wanderings, changes, and conflicts. The time of nationality in Greece had not yet arrived; and the confusion, in which the age of the heroes began, recurred at its termination, as if to conceal the earlier before the later forms of history were disclosed. Some definite motives for future progress begin, however, to be slowly evolved. The cities increase in size and in resources; they have their traders as well as their labourers, their minstrels as well as their warriors; and the festivities of one town around the newly built temple, or on the ground hallowed of ancient days, are joined by crowds from other towns, whom the same games interest, or to whom the same sacrifices are sacred duties. Beyond the shores the sea stretches wider than of yore; it tempts the weary to migration and the restless to adventure, until its waves are spread with people rather than with single mariners. This growing enterprise abroad, and this larger life at home, were the preparations for the laws with which the Greece of old was allowed to put on its earthly immortality.

The chief interest of any history or any account of Greece will always centre in Sparta and Athens.

It is vain to say that there were many other important cities from which the cultivation and the energy of the nation, in some part, issued; the two are still preeminent in the elements described at the beginning of this chapter, as composing the character of the people and of the land. Both were continually at war; but Sparta is more distinctly marked by separation and contention, as the principles it was appointed to sustain. Both were long susceptible of desires, apparently sincere, to pursue the duties they acknowledged; but Athens is far the more distinguished for the love of beauty in its highest physical or merely intellectual forms. It is not necessary to insist upon the common distinction between the Ionic and the Doric races; for Sparta was not altogether the Doric nor was Athens decidedly the Ionic city of Greece;[1] but the solemnity and the obstinacy of the Dorians reigned in Sparta, as much as the impatience and the mirthfulness of the Ionians prevailed in Athens. They may rather be regarded here as the countries of Lycurgus and Solon, through whose laws the liberty of the people was promoted, and in whose laws the character of the people is to be here described.

[1] "The old Attic was not so widely removed from the Doric as is generally represented by those who adopt the usual formula of Ionism. And by the time the Athenian character had become Ionic, the Doric had lost its pristine virtues, and had approached half way to meet it." Hase's Ancient Greeks, Engl. transl., p. 115. So much for Athens. Cf., moreover, Herod., I. 143. As for the Spartans, Mr. Grote remarks, that "the Lycurgean constitution impressed upon them a peculiar tendency which took them out of the general march" of the Dorians. Hist. Greece, part II. ch. 6.

In a hollow valley and on the banks of a stream which scarce had space to flow between the mountains it separated on either side, was gathered the early settlement which bore the name of Sparta. It gave, in after years, but a cold welcome to the architecture which would have made it majestic, or to the arts which would have filled its vacant places with life and loveliness; but in the times succeeding the heroic age, it was scantier still in rude huts and in narrow lands. Above the village, as about it, the valley of the Eurotas was hemmed in by highlands; while, lower down, the mountains were farther removed, and the valley widened to a plain. These fields, contracting and expanding, together with the mountain-sides above them, formed the territory of Laconia, a rugged country, whose people seemed secure from invasion, if not from dissension and barbarity. The commotions of neighbouring races, simultaneous with strange movements throughout all Greece, were the first, it appears, to shake the Spartan valley; and at the return of the Heracleids, as the descendants of Hercules were called, to the adjoining Argos, eighty years after the Trojan war,[1] the larger part of the Peloponnesus was conquered by them and their fellow-adventurers or followers, the Dorians. Three kingdoms were established for three Heracleid brothers in Argos, Messenia, and Sparta, of which the native people were reduced, not at once, indeed, but in the course of years, to a state of dependence and servitude.

[1] Thuc., i. 12. A.C. 1127—79=1048.

Sparta, the least important, originally, of the conquests, was henceforward the city of the Dorian conquerors, who bear the name, through history, of Spartans, as exclusively as if there had been no memory of the earlier people. Immediately after the conquest, two kings of the Heracleid stock were associated in the government, to which the Dorian nobles were also admitted after the same principles that had prevailed in the age of the heroes. But a change, inevitable to a race which, like the Spartans, had won its land by force and ruled its subjects with increasing pride, at last drew near. The lower ranks began to claim a larger share of spoil and dominion than they had yet received; whilst the quarrels of the royal families and the factions amongst the nobles or higher Spartans were such, apparently, as to prevent resistance to the demands of their inferiors. At the same time, the conquered would watch with eagerness the chances which their disputes might offer to themselves; and while the Spartans were at variance with one another, they were obliged to guard against the dangers of insurrection on the part of the large number of their subjects whose memories of independence were not yet obliterated by bondage.

At this embittered period, about two hundred years after the conquest,[1] one of the kings of Sparta died, leaving his wife and her unborn child in the

[1] A. C. 852. Clinton, Fast. Hell., vol. i. p. 141. The legislation of Lycurgus is fixed by the same writer at A.C. 817. Ibid., and vol. ii. p. 408.

care of his brother Lycurgus, who, as tradition relates, though able, had he pleased, to ascend the throne, yet waited the birth of his brother's son, whose rights were sacred in his eyes.[1] After proclaiming the infant king, he is said to have travelled for many years in foreign lands; an account, perhaps, invented at a later time, in explanation of the extraordinary wisdom he was believed to have obtained. The day arrived when he was needed at home, amongst his own people. Their dissensions had reached a point at which it was necessary that they should be allayed, unless the Spartans would be overthrown; and he who had proved faithful to his brother was called to reconcile his countrymen and protect them against the alarms of rebellion amongst their subjects and bondsmen. We know almost nothing, not even so much as has here been repeated, with any certainty, concerning a man who was the first under heathenism to enlarge the liberties of a people, or a portion of a people, by laws which saved them as well from sedition as from tyranny. How far he accepted, how far he changed, the Dorian institutions, as they then existed,[2] is just as little to be determined; nor can we tell how much he strove to do, or how much he was able to achieve.

[1] Schlosser, however, gives Lycurgus but little credit for not taking possession of such a throne as the Spartan. Univ. Hist. Antiq., iv. 2, sect. 1.

[2] This touches closely upon the much vexed question concerning the resemblance between the Cretan and the Spartan laws. There were certainly several expeditions from the mainland over into Crete, and perhaps from Crete to the mainland, before the time of Lycurgus; but it is safe to remember that Crete was altogether Dorian in its comparatively later times.

It is nearly in vain, therefore, to ask about the lawgiver, before attempting to become acquainted with his laws. The spirit to which they bear witness may not, indeed, have been altogether his own; for none more than the reformer or the lawgiver are obliged to sacrifice their own desires to the various interests with which they have to deal. Lycurgus was probably a man of great severity towards himself, so that the claim of his people was unanswerable; and of equal severity towards others, so that his claim of order and obedience from them would be insisted on, as far as it could be carried. But to all appearances, he was also one to respect the traditions and the customs of his race, yielding to these and to the pride which upheld them the consideration he would not feel for the passions of his own generation. No point in his history is better known than the solemnity with which he entered on his labours. Addressing himself to the oracle at Delphi, in which the faith of Sparta was most profound, he is even said to have brought away his laws, as if they had been delivered him by divine assistance in the temple.[1] Under these impressions, to which he was as sensible as any of his people, Lycurgus returned to execute the charge he had received. If we can trust the glimmering light in which we see him and his times, the objects of his reform or his legislation were plain before him. The kings and the nobles were aspiring to tyranny; the Spartan people to what may be called democracy; while all were still tenacious of their

[1] Herod., I. 65. Plut., Lyc., 5, 6.

superiority to the races their ancestors had overcome. Lycurgus had no heart to desire justice from them towards their dependants; but it was his especial work to pacify, to unite, and to control them in their relations amongst themselves.[1]

The kings of Sparta were possessed, at this period, of an authority which, as may be imagined, was very far from being so absolute as that of the old heroic monarchies.[2] It was not only shared between two, but was also diminished in proportion to the influence which the nobles had undoubtedly gained in and since the period of migrations and conquests. The power which the kings still possessed arose from none of their functions, sacerdotal, judicial, or military, so much as from the reverence for their Heracleid blood, and, in a less degree, from the outward honours they enjoyed in life and after death.[3] They were also the two principal members of the Boule, or senate, which was composed, besides, of twenty-eight nobles, apparently endeavouring, in the time of Lycurgus, to depose or to weaken the royal authority in order to increase their own. The senate, already intrusted with the chief powers of government, was threatening, perhaps, to become the government itself, unless the kings should be able to strengthen themselves against encroachment, or the lower Spartans

[1] See Diod. Sic., Reliq., vii. 14, ed. Müller, for the account of the purposes which the oracle inspired in Lycurgus.

[2] Arist., Pol., iii. 9. 2; where the military powers of the king are particularly emphasised. This, however, is an account of a much later day.

[3] Herod., vi. 56 *et seq.*, 66. Müller's Dorians, vol. ii. pp. 106 *et seq.*

succeed in making their assembly, the Ecclesia, more powerful.[1] If claims were then urged, as it seems, on every side, intrigues and hostilities would soon ensue, especially amongst a nation so savage and unimproved. It is not yet the moment to describe the condition of the conquered.

Such were the institutions which Lycurgus had before him to reform, and, at the same time, to fortify. It is by no means certain that we know the changes he wrought; but the energies he infused into his state and his people appear, undeniably, to have resulted from his reforms. He seems to have left the kings nearly as he found them, incapable of tyranny, but hedged on all sides against degradation. The senate was opened to every class amongst the Spartans who had reached the age of sixty years; and to it was then intrusted nearly the same authority it had previously obtained, in the proposal of laws, the judgment of criminal cases, "the power of life and death, of honour and of dishonour, and, in a word, of all important things."[2] If to the natural effect upon every temper of admission to a chosen body be added the preparation which the Spartan of threescore years had undergone before he could occupy his seat, it will not appear that Lycurgus, in opening its doors,

[1] On the organisation of the state in Obæ and Tribes, see Thirlwall's History of Greece, Appendix 1.

[2] Κύριον ὄντα καὶ θανάτου καὶ ἀτιμίας καὶ ὅλως τῶν μεγίστων. Plut., Lye., 26. Cf. Xen., Lac. Resp., cap. x., and the description by Demosthenes of a Spartan senator:—Ἐπειδάν τις, κ. τ. λ., δεσπότης ἐστὶ τῶν πολλῶν; he is a lord over the multitude. Adv. Leptinem, 107.

meant to transform, but rather to establish the senate, so that it would never need to be transformed. He made every Spartan of unblemished name eligible, and gave the election to all his fellow-citizens; but upon the candidate he set the seal of grey hairs, and put the voters under the general restraints his laws imposed. Nor was the assembly, though it may have received some new privileges, allowed to become more democratical.[1] No one was to have any voice in its deliberations before the age of thirty, nor then, as an orator, unless in office or under permission; and no other proceedings were to be allowed but elections to certain magistracies and decisions on the laws brought into the assembly from the senate. It was also within the province of the assembly to determine upon peace and war; but its votes were then the acclamations of soldiers, willing or unwilling to be led to conflict, rather than the resolutions of men who accepted or refused a war from consideration or conviction. The three, the assembly,[2] the senate, and the royalty, were together confirmed as the constitution of a rigid and a disciplined people.

In thus tempering political institutions, the reforms of Lycurgus were but begun. It is from this point, indeed, that he appears, not merely as the reformer, but as the lawgiver, in whose judgment there was

[1] See Müller's Dorians, vol. ii. pp. 90 *et seq.*

[2] It is here possible only to allude to the small assembly of later times, or the large assembly, perhaps, of still later date. In the one, the magistrates of Sparta were united in a sort of council; in the other the Spartans met with their allies and their soldiers to decide upon what may be called international affairs.

something to be added to the ancient customs of the race to which he belonged. Yet it is more than ever difficult to bring these wider labours within the scope of accurate history. In order to complete the union laid in the securer organisation of the state, as such, it was necessary to make some further provisions for the independence of the Spartans, particularly of many who, through the common changes of society, had become impoverished and downhearted. It was equally necessary to check the accumulation of wealth and the increase of pride amongst the more fortunate. Either class was dangerous to the freedom which Lycurgus desired; the latter, through its tendency to oppression,—the former, through a still stronger tendency to turbulence, if not to degeneration; and care was also to be taken that the subjects did not grow rich, while the rulers, or many of their number, were becoming poor. In view of these contingencies, Lycurgus is said to have ordered a division of the Spartan territories. But so uncertain are the limits of these, and so doubtful is the account which remains of their distribution, that the only fact to be admitted, even conjecturally, is, that the Spartans received each an equal portion of land, sufficient for his own necessities and for those of his dependants.[1]

[1] The chief authority concerning this division of the Spartan lands is Plutarch, who says that 30,000 portions were assigned to the Laconians (of whom more presently), 9,000 being given to the Spartans. Lyc., 8. The only possible way to reconcile these numbers with the narrowness of the Spartan territory at that time is to suppose that the 30,000 lots were subdivisions of the 9,000, and that the Laconians held each a part of a Spartan's estate, in lease or in fee,—not, however, from the Spartan, but the state.

If this be true, the equality of the people was so far secured, that none was richer than his neighbour in land, or stock, or slaves; while every man was so little engrossed by the occupations of agriculture or trade, as to have his time and his energy left free to meet the wars and the demands of his country.

The conquest of Laconia was by no means completed in the time of Lycurgus; indeed, it is supposed that the vigour and the unanimity he established in Sparta were the main instruments in the subjugation of the whole surrounding country. But it is impossible to proceed farther in our account of the Spartans without some definite ideas of the relations between them and the people they had hitherto subdued. Of these, there were two great classes. One was that of the Laconians, who, under whatever name they had been overthrown, were the lords of the country before the coming of the Dorians. They continued to enjoy a certain degree of personal freedom; but held their land under lease from the Spartan state, in which they had no participation as citizens. Some of them, perhaps, were Dorians themselves, but of an inferior caste,[1] and reduced, in every respect, to the same condition as if they, too, had been amongst the conquered. Below all these were the Helots, a multitude of bondsmen, whose servitude

[1] It is certain that there were many divisions amongst the Spartans proper, such as the Νεωδαμώδες and the Ὑπομείονες, of which there are various explanations. In Xen., Hell., III. 3. 6, they are both mentioned as joining heartily with the slaves (εἵλώται) and the Laconians (περιοίκοι) in the same fierce resentment. See Hermann, Pol. Antiq. Greece, sect. 24, 48; and Grote's Hist., ch. VI. part 2.

apparently began before the conquest, but whose hardships were then probably increased by the introduction of new masters, to whom their former owners, as well as they themselves, were obliged to yield. Considered as public property in the use of one or another employer, the Helot was thus doubly enslaved.[1] He served the Laconian or the Spartan indiscriminately; but he was always considered the slave of the state, as well as of the citizen or the subject who could provide him with toil and sustenance. Sometimes rewarded by his liberty for the labours[2] he was bound to render, he was more commonly shut out from the hope of liberation; being not only subjected to every degree of ignominy, but to persecution and destruction of which the details are too horrible to be told.[3] Both the Helot and the Laconian were held to duty in the Spartan armies, as to any service which might be exacted from them ; and though the Helot's chains were the heavier, it was natural for either class to feel such hatred towards their oppressors as to speak of them as enemies they would be glad to eat alive.[4] Lycurgus was unable

[1] Really, as Cornelius Nepos calls them, but a "genus quoddam hominum." Paus., III.

The name of this historian, who was a contemporary of Cicero, is attached to several doubtful biographies relating chiefly to the great men of Greece.

[2] He could be emancipated only by the state; as in Thucyd., v. 34. Cf. Müller, Dor., vol. ii. pp. 43, 64.

[3] The famous, rather the infamous, Crypteia. Plut., Lyc. 28. So the fearful story in Thucyd., IV. 80. There were other slaves in Greece, corresponding to the Helots, from the earliest times, such as the Mnoia of Crete, the Thetes of Attica, the Gymnesii of Argos, the Penestæ of Thessaly, &c.

[4] Xen., Hell., III. 3. 6. Between the few and the many, as Thucydides (IV. 126) describes the

to avoid the course of those reformers who do not close the source of the evils against which they contend. He believed, it seems, he could harmonise the Spartan people and corroborate their domination in Laconia, without removing the divisions between them and their subjects, which had been partly the cause of their own dissensions, and almost wholly the cause of their dangers.

It was apparent that Lycurgus intended to inspire his nation with a spirit in which self-esteem and self-devotion were strangely blended. In the sight of the subject or the stranger, the Spartan was a different being from what he seemed in the sight of his countrymen and their institutions. The Laconian and the Helot were the inferior creatures that have been just delineated. The stranger was forbidden entrance or welcome;[1] and in the same design, the Spartan was forbidden to wander into foreign lands, where, as he believed, he would meet with the insolence and the degradation from which he was protected at home. But the Spartan was held to even greater submission than the alien or the slave before the laws. Whatever in them was accounted bravest, that he did; whatever by them was considered mildest, that he abandoned. The husband stole his bride by force, and visited her by stealth, for fear of seeming to be happy in himself or her. The child was taken

Spartans and their subjects, it could not be otherwise.

[1] Pastoret, Legis. des Lacéd., ch. VII. Only two foreigners were known to have been admitted Spartan citizens down to much later times. Herod., IX. 35.

from its parents at the age of seven, to be educated according to a common system, from which none were excepted besides the heirs to the double throne. The older boys were set to watch the younger ones; the men of forty were superior to the men of thirty; and from the hour of birth to that of death, the Spartan was as much accustomed to obey his elders as he was to rule over his inferiors.[1] The men ate their meals together in public; they went together to the training-ground or to the field; and while they learned to be warriors and masters, their inferiors were obliged to be their labourers and slaves. It would have been criminal, indeed, for a Spartan to sit by his hearth-stone, or to watch the fruits which were growing on his lands. Even the women were forbidden to pursue the household occupations which they would, perhaps, have made too winning, and were brought forth into nearly the same games or exercises as those in which their sons and brothers were engaged. In fact, modesty was treason to the severity of character which it was the will of the early lawgiver to command.[2]

There is no need, however, in this place, of recounting the ordinances which Lycurgus appointed, each in its separate relation to the objects he entertained; although their number and their stringency of spirit

[1] Even the magistrates, as the government, were under the control of the Nomophylaces, the guardians of the laws, ἐπισκοποῦντες, as Xenophon says, Œcon., ix. 14. They were not, however, peculiar to Sparta.

[2] See Xen., Lac. Resp., cap. i., and his complaint in cap. iii., that the Spartan women in his times were more immodest than the men. It is only possible to allude to the barbarous customs by which the ties between husband and wife were often broken.

would throw some stronger light upon the difficulty he was obliged to encounter, and the manner in which he finally prevailed. Only let it be remembered that stern feelings were aroused and hard blows[1] were dealt against him, as well as that he did not triumph in a month or in a year. His errors are plain. He would have made his people free, yet he increased the authority of the few amongst them, and allowed them all no other powers than the muscular strength and outward fortitude of which he was content that their virtues as citizens should be composed. It would be a great mistake, however, to believe that he intended to make them mere warriors. He gave them their discipline, not that they might prevail against their neighbours, but that they might be secure against their subjects and united among themselves. If he conceived of any conquest, it was that of Laconia, not yet entirely subdued; he, at least, had no aims on Peloponnesus or on Greece; and when he made his people promise to obey his unwritten laws while he was absent, and departed, himself, to die in exile,[2] he left them, as he desired, at peace with all beyond their mountain land.[3] It was sufficient to

[1] Plut., Lyc., 11; Sol., 16.

[2] Plut., Lyc., 29. Cf. Herod., i. 65.

[3] If Plutarch's account were a little more trustworthy, it would be easy to put the ideas he ascribes to Lycurgus concerning the highest duty of his countrymen (Lyc., 31) with the truce Lycurgus obtained at the Olympic games (Ibid., 2, 3), with his love for Homer (Ibid. 4), and his prohibition against the pursuit of a flying enemy (Ibid., 11); in such a manner that the milder qualities of the lawgiver might have their place in our memories. See Van Limburg-Brouwer, Civ. Mor. et Rel. des Grecs, tom. ii. ptie. 2, p. 393.

the fame and to the hopes of Lycurgus that his laws should be obeyed,[1] even if the vigour they imparted to the Spartans were turned to conquest and to what he might himself have regarded as wrong.

But whatever the purposes of the lawgiver may have really been, and however willingly the laws he left his people may have been obeyed, their history is the sternest exemplification of the strife which we have already observed as the characteristic of Greece. The statue of Mars was chained in Sparta, as if to keep war amongst the people.[2] The deities of the state were all of a martial order; and the warlike life which was pursued on earth seemed to have, not its excuse merely, but its necessity, in the scenes which men beheld in heaven. Almost immediately after the departure of Lycurgus into exile, the Spartan arms were carried across their former boundaries;[3] and the conquest of Laconia was soon completed. To this succeeded long contests with Arcadia and Argos, the more powerful sister-kingdom; and a century had scarcely passed when a war arose with the other Dorian kingdom, Messenia; which was again renewed after the lapse of another hundred years, when Aristomenes and all as brave as he were exiled or crushed.[4] The lust of blood and of dominion was

[1] See Xen. Memor. IV. 4.

[2] Pausan., III. 15.

[3] Καὶ δὴ σφι οὐκέτι ἀπέχρα ἡσυχίην ἄγειν, "And already was it no longer enough for them to live in peace," says the old historian. Herod., I. 66. Cf. Thucyd. I. 18.

[4] The first Messenian war was from A.C. 743—723; the second from 685—668, according to Pausanias (IV. 15), or from 648—631, according to more acceptable chronology. See Müller's Dor., book I. ch. 7. sect. 10, and notes. Aristomenes was the hero of the second war.

quickened with every successive victory, until, within three centuries from the time of Lycurgus, Sparta was not only the mistress of the larger portion of the Peloponnesus,[1] but was unquestionably become the principal state of all the Grecian name.[2]

The development of the state and of the people was almost purely material, except so far as the laws of Lycurgus became the models or the stimulants to other legislation. The appearance of a poet like Tyrtæus, whose martial chants inflamed the valour of the Spartans in the second war with Messenia, is accounted for only by strange traditions.[3] Meanwhile, however, the conquests abroad brought changes even into the firm-fixed laws at home. Some time after the voluntary exile of Lycurgus, one of the old laws was altered to the effect, that, if the proposals of the senate were rejected in the assembly, the assembly might then be dissolved, and its proceedings be of no avail.[4] It is hence, but uncertainly, conjectured that the usurping spirit of the kings and the senators urged them to this attack upon the powers of the

[1] Her superiority, or Hegemony, concerned in chief the military duties of the subject states. See Hermann, Pol. Antiq., sect. 34 and references.

[2] Herodotus speaks of the embassy from Crœsus to the Spartans, A. C. 540, as sent to the nation προεστάντας τῆς Ἑλλάδος. I. 69.

[3] As that the oracle at Delphi commanded the Spartans to seek a leader from the Athenians, who sent them a poet in derision. Justin., III. 5. The Spartans were accustomed, however, as Dorians, to the influence of martial poetry and martial music. Plut., Lyc., 21. Aristotle's taunt in relation to the Spartan education is very bitter: —Θηριώδεις ἀπεργάζονται, "They are turned out brutes." De Repub., VIII. 4.

[4] Plut., Lyc., 6.

people;[1] and still more unknown is the ensuing revolution, by which the first rupture was made in the chain of the Spartan institutions, one hundred and thirty years after they were bound together, in order to admit the Ephoralty, which soon became, itself, the largest and the heaviest link of all. The rights of the people were restored to them in the persons and the powers of the Ephors,[2] who were chosen, five in number, from any class of full citizens, to direct the assembly, to hold the other magistrates and the kings responsible, and to assume, at last, an almost universal authority in the management of public and private affairs.[3] They represent the changes of the constitution in which they found a place for themselves, that afterwards increased as if they had been set to gnaw away the old rigidity, and even the old vitality, of the Spartan laws. Their rise, and their downfal with the state beneath them, were connected at once with the highest development and the lowest debasement of freedom in the history of their country. Still the Spartans continued to be, not only the warlike, but the severe and the aristocratical people. In the years succeeding to their reformation, the attempts to erect

[1] See Wachsmuth, Hist. Antiq. Greece, sect. 42.

[2] The name was of older date (Herod., I. 65); but the charges with which the office was now invested were altogether new. Arist., Pol., II. 6. 15. Plut., Lyc., 7. Mention ought to be made of the theory which refers the appointment of the Ephors to a time when some of the inferior classes at Sparta were admitted to full citizenship. See Thirlwall, Greece, ch. IX. Arnold, App. II. to Thucyd. Cf. Wachsmuth, Hist. Ant., sect. 66.

[3] Muller, Dor., vol. II. pp. 123, 128, 130, etc. Arist., Pol., II. 6. 14, &c. Herod., VI. 82, 85. Thucyd., I. 131. Xen., Resp. Lac., capp. VIII. XV.

democratical or tyrannical[1] governments were everywhere combated by the spirit which Lycurgus had aroused.

Lysander is related to have drawn his sword and cried, "He who has this is in the right against all men."[2] When Agesilaus was asked how far the Spartan territories extended, he replied, "As far as this spear of mine can be hurled."[3] The boast of either reveals the character which was naturally formed under the laws we have here reviewed. Nevertheless, the wisest and purest philosopher of Greece was said to have spoken daily of their excellence.[4] He saw, that, though there were evils in them, though they not only bore with, but commanded, deeds which to us are crimes, yet that, in an age of disorder and of passion, they were able to secure obedience to themselves and devotion like that at Thermopylæ to the country they enshielded.

During the two or three centuries which Sparta was employing in the exercise of her laws and in the increase of her dominions, the other countries of Greece were not at rest. It seemed that the possibility of departing from the institutions and the habits of an earlier age had no sooner been perceived than the multitude was gathered, as upon the shore

[1] See note 1, p. 148 and text. Cf. Plut. (if the treatise be his), De Malign. Herod., ed. Reisk., tom. IX. p. 411. Thucyd., I. 18.

Plut., Apophth., ed. Reisk, VI. 721.

[3] Ibid., VI. 790. Cf. Thucyd., V. 105.

[4] Socrates, ap. Plato, Crito.

of some great sea, to try their fortunes on waves yet uncrossed and in lands yet unknown. So far as it is right to describe the course of these political enterprises as if pursued according to any system, it may be marked as having been at first directed against the monarchies, and in favour of the nobilities, of the different states; in some, to the establishment of aristocratical or oligarchical governments; inclining afterwards in favour of principles that may be styled comparatively popular, so that, where single authorities were not constituted under the name of tyrannies, the order of the nobles governing was more or less enlarged by the rise of what appears to have been a middle class from out the masses of the people. The tyrannies require a more particular mention, as having been established by individuals, in defiance, indeed, of law or usage, but at the expense of the aristocratical principles that had prevailed rather than of the popular principles beginning to prevail; the tyrant being often the leader of the people, though for his own advantage.[1]

But it was not only in the formation of new governments that the period following Lycurgus is distinguished in Grecian history. It was marked by an almost universal expansion of energy and of cultivation. No longer content to plough the narrow field

[1] We shall have an instance to observe hereafter in Pisistratus. Perhaps the most favorable remark that can be made, where there is no space for description of the tyrannies, is that of Sir E. Bulwer Lytton :—"Every more politic tyrant was a Louis XI., weakening the nobles, creating a middle class." Athens, vol. i. p. 250. Cf. Waehsmuth's graver details, Hist. Ant., ch. vi.

or to engage in the distant war, men sought new issues for the activity pent up within them. They grew more familiar with one another; they began their intercourse with foreign nations; they sent their colonies to Asia and Africa, and to nearly every shore of the Mediterranean. At the same time, the temple was more solemnly built, the citadel more painfully fortified; architecture became an art, magnificent and grave; while its more brilliant sisters of painting and of sculpture received an earnest, though still an awkward, welcome.[1] The great games were thronged by increasing crowds, who came, in that time of fresher faith, not only to win or to behold the triumph, but to offer their vows to the god by whom the laurels were bestowed, and in whose worship the games were held. It is the sign of greater humanity, that women were among the lookers-on, in the Delian, if in no other festival.[2]

The individual voices which reach us bear witness to the same pervading restlessness of mind. Hesiod belongs rather to the preceding than the present period,[3] and must, at all events, be regarded as one who, in his simpler verses, preserved the thoughts and habits of a lowly, unaspiring life, as, in his higher efforts, he turned back towards the gods and heroes

[1] See Muller's Anc. Art, pp. 24—40, Eng. trans.

[2] Thucyd., III. 104.

[3] Herodotus (II. 53) makes him contemporary with Homer; but Vell. Paterculus says: — "Circa exx. annos distinctus ab Homeri ætate." I, 7. So that the age of Hesiod depends upon the much vexed question of the age of Homer. See note [2], p. 123. Mr. Clinton says that Hesiod flourished A. C. 859—824. Fast. Hell., vol. I. p. 362. Cf. Schoell, Littér. Grecq., tom. I. pp. 102, 172.

of the mysterious past, instead of joining in with the living currents of his times.[1] Others were more active: but in the following centuries. Archilochus, wandering or driven from an uneasy home at Paros, consoled a spirit of bitterness[2] in fierce outpourings of iambic song. Arion, of Lesbos, touched by serener influences, but ardent in pursuit of inspiration, and of fame, attuned his lyre to the deep religious harmonies of the dithyramb. One like Alcæus, a Lesbian also, would enter the lists of open life and hurl his threatening odes[3] in defiance of the faction, whether it were high or low, that he opposed; yet the bravery, as in his case, might be the privilege of the poet only, not of the man. Another, like Sappho, obeying, yet shrinking from, her own sorrows, would move the feelings with gentler strains than breathed amongst the commotions of men. She, too, belonged to Lesbos.[4] The inspiration of poetry still lingered by the voiceful sea, to whose solemn cadences the strains of Homer, as he looked or listened, had been composed.

All other energies, however, were shamed by those

[1] "Otii quietisque cupidissimus." Vell. Pat., I. 7. "Raro assurgit Hesiodus." Quintil., Inst. Orat. x. 1. 52. This is no place to discuss the question as to what are and what are not the works of Hesiod.

[2] Ψογερὸν Ἀρχίλοχον βαρυλόγοις ἔχθεσιν πιαινόμενον,

"Libellous Archilocus, battening on bitter-worded quarrels." Pind., Pyth., II. 100. He flourished about A. C. 700, or later; Arion about three quarters of a century afterward.

[3] "Alcæi minaces . . . . . camœnæ." Hor., Carm., IV. 9. 7. He was of the same period with Arion.

[4] Sappho lived near A. C. 610. Welcker will always deserve honour for having cleared her memory of its unmerited stains. Sapp. von einem herrschenden Vorurtheil befreyt.

which were employed upon hitherto untrodden and unheeded ground. Throughout the world, which was not so thickly peopled by the living as it was haunted by the mysterious and the fearful beings whom every race conceived, there had been no direct attempt to exorcise the spirits that were ever more unknown and more unknowable; much less had any hope appeared of bringing to light the realities of creation and of life. Six centuries before our era,[1] a man was living at Miletus, on the Asian shore of the Ægæan, whose interest in the common affairs of his countrymen[2] might have led a stranger, or even a neighbour, to suppose him one of those most satisfied with the times which made him active and respected. He was Thales, the first wise man,[3] as he was called of old, to whom the wants of his age, which came to other men like dying puffs of wind, were unceasingly speaking as with the imploring breath of the pine-breeze, or the commanding voice of the ocean-gale. He turned back, boldly and far, to the origin of things, that he might free the world from the hidden agencies by which it had been long alarmed. It was the effort of a wise mind, one might almost say, of a wise heart; and though neither Thales nor any other man could form a true conception of the Great Original that had long since been unknown, the murmurs which fell from him are like the promises of better times. Imagining moisture to

[1] Thales was born A. C. 639 or 636.

[2] See Herod., I. 75, 170.

[3] Πρῶτος σοφὸς ὠνομάσθη. Diog. Laert., I. 22.

be the principal agent in creation,[1] he spoke besides, and may have dreamed much more than he told, of the Divinity which was, in his own words, without beginning and without end.[2] His earnestness[3] to solve one kind of doubts led him to fathom other mysteries; and the two words, "Know thyself," which are ascribed to him, mark the deeper feelings of his life, and perhaps we may add, of his age.

Thales was esteemed the first[4] of the seven sages, men of activity as much as of wisdom,[5] whose contemporaneous renown is perhaps the most illustrious monument of the fervent age in which they had their lives. An account remains of a conversation between them, in which each expressed his opinion concerning the best constitution of a free state. Solon spoke first, saying he admired the republic in which they who beheld a wrong committed were as eager for its punishment as they who actually suffered from the crime. Bias of Priene, declared he was most satis-

[1] Πάντων τῶν ζώων ἡ γονὴ ἀρχή ἐστιν ὑγρὰ οὖσα Plut., De Plac. Phil., I. 3, ed. Reisk., tom. IX. p. 472. Cf. Ritter et Preller, Hist. Phil. Gr. Rom., sect. 15.

[2] Τὸ θεῖον τὸ μήτε ἀρχὴν ἔχον μήτε τελευτήν. Diog. Laert., I. 36.

[3] Not too strong a word, I think, to use, though it be perfectly true, as Mr. Norton observes, that "reasoning upon the higher and more important subjects of thought was a far less serious thing with the ancient heathen philosophers than it is at the present day." Evid. of the Gen. of the Gospels, vol. III. p. 71, 1st edit.

[4] "Unus e septem, cui sex reliquos concessisse primas ferunt." Cic., Academic. I., lib. II. 37.

[5] Diog. Laert., I. 40. "Wisdom," says Plutarch (Them., 2), "was then nothing else but the knowledge of managing public affairs and the power of judging practical matters; as if of a school beginning with Solon," &c. See Sol., 3, likewise.

fied where all men feared the laws as they would dread a tyrant. Thales preferred the state in which there was neither too great opulence nor too great poverty. A stranger, Anacharsis, gave the praise to that people amongst whom vice had the lowest and virtue the highest place. Cleobulus, of Lindus, esteemed that nation most advanced which feared censure more than any law. Pittacus, of Mitylene, thought the good government to be that under which good men only were in authority. Chilon, of Lacedæmon, said that laws were most, and public speakers least, heard in his model of a commonwealth. Last of all was the opinion of Periander, of Corinth, that the soundest state was that nearest to aristocracy; but Periander was one of the tyrants yet remaining.[1] In hearing these judgments upon a cause of so great interest, we seem to obtain the full measure of the knowledge which the Greeks possessed concerning liberty.

These names of places and of men must be observed, in indication of the extension as well as the expansion of Grecian civilisation. Two of the seven sages belonged to Sparta and to Athens; but the philosopher and the poets of whom mention has here been made were of neither city, nor even of the Grecian continent, but of its outskirt islands and colonies. Nevertheless, the greater work of legislation begun in Sparta was continued in Athens; and it is thither that we now need to turn, if we would under-

[1] Plut., Sept. Sap. Conviv., ed. Reisk., tom. vi. pp. 586, 587.

stand the rise of the freedom, for want of which the burning spirits of other regions were soon exhausted.

The city which Theseus ruled was not only at the centre of Greece, but, as its children fondly believed, of the whole world.[1] Its position, perhaps, in a territory barren of the richer productions of surrounding lands, had saved it from the invasions and the migrations by which other nations were well nigh exterminated in the early periods.[2] All the more precious was it to its own people, who laboured in its cultivation, and who, without labouring, beheld in the sea encircling its mountain shores, and in the sky adorning it with glorious hues, the sublimest images with which any of the Greeks could attempt to bring themselves into harmony. If there were any spot in Greece where Minerva might still prevail against Mars,[3] it was in Athens. But the consecration of the city to the goddess of wisdom yet waited its fulfilment, when Solon was born.

Some two centuries after Theseus, his successor, Codrus, sacrificed himself in the defence of his kingdom against the invading Dorians. In grateful admiration of their preserver, if not for reasons less pleasing to be told, the Athenians resolved to have no other king. A supreme magistracy, the Archonship, was established for the elder branch of Codrus's family; from whom there was successively ap-

[1] Xen., de Vectig., cap. 1. Ἀττικοὶ μόνοι . . . . . αὐτόχθονες.

[2] Thucyd., i. 2. Herod., i. 56. So Aristoph., Vesp., 1076:—

[3] As of old, in the Iliad, xxi. 391 *et seq.*

pointed a single Archon who ruled the state for life. The power of the Archons afterwards became responsible, of course to the nobles, and was limited to a term of ten years, while, later still, the office was opened to all the noble families, and was finally divided among nine annual Archons of various functions and different names.[1] Besides these superior magistrates, the ancient tribunal of the Areopagus, composed of retired Archons, was undoubtedly in existence, judging in all cases of public importance[2] as well as in the criminal trials for which it may have been originally constituted. A senate, and an assembly also, as is probable, shared in part the management of national and local affairs; both these bodies, like the Areopagus and the Archonship, being in the possession of the higher orders alone. The lower classes make no appearance in the histories, until the mention of the embarrassments amongst the nobles conjures up, as it were, the image of a people insisting upon some rights, at least, that should protect them against the capriciousness of their superiors.

Three figures succeed one another in this confusion. The first is that of Draco, who, a noble him-

[1] The first change took place in A. C. 752, the second in 714, the third in 683. Of the nine Archons established at this later date, the first, called Ἐπώνυμος, was what we should call the chief-justice. The second, Βασιλεύς, was the pontiff; the third, Πολέμαρχος, the general-in-chief; and the other six, Θεσμοθέται, were judges.

[2] Which is rather a matter of inference, however, than of positive certainty. Pausanias relates the proposal of the king of Messenia before the first war with Sparta, to refer the quarrel to the Areopagus· IV. 5. 1.

self, and an Archon, appears to have attempted to relieve the aristocracy of the evils it had brought upon itself by its government or its dissensions. He attempted no sufficient reforms; but simply introduced some apparent checks upon the judicial powers of the Archons,[1] at the same time that he increased the severity of punishments, as if to resist any encroaching spirit on the part of the people.[2] But the troubles he vainly endeavoured to overcome continued in the midst of sedition and discord. Another noble, Ceylon, seized the Acropolis and attempted to make himself tyrant; but, defeated by the resolution of the people, he was, with his followers, put to death. Soon followed a famine, which no resolution could avert, but which Epimenides, a poet and a seer of Crete, was summoned to drive away, by saving the city from its disorders, and purifying it from its real or imaginary crimes. Epimenides was rewarded, as if he had been successful; but the divisions between the higher and the lower classes remained unhealed at his departure; and it was evident that ceremonies or sacrifices were no longer able to confirm the power of the nobles or to content the determined ambition of their inferiors. The time had come when the base of the statue was to be chiselled into forms of living energy.

[1] See Hermann, Pol. Antiq., sect. 103, and note 3, p. 112.

[2] So his reported laws concerning obedience to parents and worship of the gods; but Aristotle still says expressly, Πολιτείᾳ δὲ ὑπαρχούσῃ τοὺς νόμους ἔθηκεν, "He adapted his laws to the actual constitution of the state." Pol., II. 9. 9.

Every native and freeborn inhabitant of Attica[1] was admitted, as he grew up, to the privileges of the Genos, or Name, in which he had been born, and afterwards to one of the twelve Fraternities, of which the Names were the component members,[2] and which themselves made up four Tribes. Besides these general distinctions, there were those, already noticed, of nobles, husbandmen, and artisans, with others, according to the mountains, plains, or coasts on which the three different classes[3] were supposed to have their separate abodes. The great division, however, of the Athenian people was that, increased in Solon's time to an alarming point, between the rich and the poor. Throughout the states of antiquity, especially those nearest to our own era, the power, which the high-born, next after the strong, possessed, passed, at a certain period, into the hands of the wealthy, as if according to common principles of succession. But as the first stages in any revolution are the most difficult, so at the moment when the rich were gaining upon the noble, it would happen that the poor, behindhand, were bound to the heaviest afflictions.

[1] Only of the highest class, that is, the Eupatridæ, according to Niebuhr, Hist. Rome, vol. II. p. 142, Amer. edit.

[2] The Greek name of the Tribe is *Φυλή*, that of the Fraternity, *Φρατρία*, and that of the Name or Gens (sometimes called family, sometimes clan), *Γένος*. "As to the real political import," remarks Hermann concerning these divisions, "their object was the preservation of legitimacy and purity of descent among the citizens," &c. Hol. Antiq., sect. 100.

[3] These were the *Διάκριοι*, the farmers or shepherds of the mountains; the *Πεδιαῖοι*, the nobles of the lowlands; and the *Πάραλοι*, the traders and artisans of the coast. Plut., Sol., 13.

It was thus in Athens, where the nobles, at the period referred to, were absorbed in their own defence, and the rich, that is, those not nobles likewise, were struggling for their own elevation. It may be gravely doubted if far the larger majority of the nobles were not rich, and far the larger majority of the rich were not noble; but the extent of the suffering in which they who were neither rich nor noble had become involved appears to be unquestionable.[1] The first result of increased wealth in Attica was increased oppression; and the poor, separated from those of their own order who had acquired wealth and were striving to acquire power, were not only more exposed to injury, but were more excited to take justice into their own hands, and "turn up the whole state,"[2] so that they might be relieved.

In this breach, between revenge on the one side, and oppression on the other, Solon placed himself, as none but the earnest and the courageous would have dared. Like many another of the truer heroes of antiquity, this one has been too often robbed of the humane and eager nature that was warm within him; and in the zeal to make him a universal lawgiver, he has been denied the feelings of an active and an

[1] "The city was in great danger," says Plutarch; "for all the common people were sore indebted to the rich. . . . . If they were unable to pay, they were then delivered over to their creditors, who kept them as bondsmen in their houses, or else sent them away to be sold in foreign lands. Many were even forced to sell their own children and to forsake their homes." Plut., Sol., 13. On the other hand, Diodorus mentions the luxuries in which the rich were plunged. Reliq., IX. 1, ed. Müller.

[2] Plut., Sol., 13.

ardent man. Only a generous soul could have communicated something of its own liberality to a whole people, and to such a degree, that the nobles and the rich were transformed from the rulers into the fellow-citizens of the poor and the lowly-born. Solon feigned himself insane when it was death to any one to speak of the Athenian claim upon Salamis, and mounted the stone on which the heralds stood, to recite, as if in frenzy, the lines he had composed to stir the Athenians to the recovery of the island.[1] So, when the holy oracle at Delphi had been outraged by invasions from Cirrha, it was Solon who insisted that the Amphictyonic league should do its duty and arm itself against the guilty people.[2] Descended from the old royal stock of Attica,[3] but early resolved upon a life of labour and usefulness, Solon became a merchant, a traveller, and a scholar, widening his sympathies with industry and enterprise, and at the same time tempering his physical energies with the influences of poetry[4] and philosophy, to which he gave himself with real enthusiasm from his youth. The ideal and the real, with him, were capable of being one. Thus possessed of a natural and an acquired title to the confidence of his countrymen, at a time when none were too blind to perceive that either anarchy or tyranny must triumph over them, unless they who were at variance should be reconciled and they who were oppressed should be liberated, Solon,

[1] Plut., Sol., 8.
[2] Ibid., 11.
[3] Ibid., 1.
[4] He was said to have gathered together the fragments of Homer. Diog. Laert., i. 57.

then at the age of forty-four, was elected to the Archonship, with the more especial charge of mediation and legislation. This was a quarter of a century after the attempt of Draco.[1]

From the fullest account we have of the astonishing undertaking in which Solon not only engaged, but succeeded, it would appear that he was acceptable to the rich as well as to the poor, who alike expected him to prove their peculiar champion.[2] There can be little doubt that his own sympathies inclined to the poorer, if not to the poorest classes, whose necessities he was determined to relieve, if it were only to calm their dangerous resentments. The first and the strongest impulse to reform, or to simpler efforts, must have come from the eagerness of the lower orders to be redressed against the injuries to which they were become more sensitive than their humbler ancestors. Without any willingness to be a demagogue, or any desire to introduce a democracy, Solon put himself at the head of the movement thus originated, in order to carry out the changes he saw were then inevitable. His first object, therefore, was to relieve the miseries he beheld around him; in which intent, he procured a law called then or afterwards the Discharge,[3] to release the debtor from his bondage, and to abolish slavery as a punishment of debt, for ever.[4] Thus he followed up by other measures,[5]

[1] Draco, A. c. 621; Cylon, 620; Epimenides, 596; Solon, 594.

[2] Plut., Sol., 14.

[3] Σεισάχθεια. Plut., Sol., 15, 16. Diod. Sic., I. 79.

[4] Plut., Sol., 15, 23.

[5] Especially by clearing all mortgages upon land, and by depreciating the value of money, in order to assist those who were still needy,

intended to relieve the poor of their encumbrances, and to restore some who had been dispossessed of their estates, and others who had been actually banished or sold as slaves into foreign lands.[1] In these measures there was nothing so intemperate as to contradict the laws; neither the security of debts nor the force of contracts was destroyed; while such was the moderation pursued in liberating the imprisoned and restoring the outlawed, that, though the creditor or the noble might be offended, the debtors and the inferior ranks in general were scarcely satisfied.[2] Through some means of which we are ignorant, the Athenians were finally persuaded to abide by the proposals of their mediator, as he was rightly named; and it was apparently in the first moments of their gratitude, that they again declared him their lawgiver and their reformer.[3]

Solon might have risen to still higher authority, had he been pleased to obey the entreaties of a party that trusted in the advantages which a ruler with his intentions would leave open to themselves. He was urged, either at this time or at the beginning of his Archonship, to become the tyrant of Athens, and to employ the power he would then exclusively possess in fulfilling the enterprise to which a great resistance was likely to be aroused. There were, besides, instances,

when set at liberty, to discharge their obligations, which, it is plain, continued binding. See Plut., Sol., 15.

[1] Plut., Sol., 15, 19.

[2] Plutarch quotes some touching lines from Solon himself, expressive of his failure, at first, to please his countrymen. Sol., 16.

[3] Plut., Sol., 16. Cf. 14.

recent and distant, of others in his position, who, not merely from selfish, but sometimes, perhaps, from generous motives, had put themselves at the head of cities or states, which gladly submitted to any firm dominion, so that their boisterous factions might be controlled. But Solon was unmoved, either by example or by argument, to do a wrong to the freedom he loved and upheld, as we shall hereafter see, to the last. "It does not shame me," he wrote, "to have preserved my country without laying hold of a tyranny or staining its fame:"[1] yet he was derided by a multitude of men, unable to conceive his purity of ambition.

After thus persuading his fellow-citizens to do one another justice, and facing, himself, the strongest temptation which, in his times, could well assail him, there were still a thousand things for Solon to attempt, or, at the least, to intend. Of all these, nothing was so difficult as the troubles he had already overcome; and it is pardonable in those who sincerely admire his character, that they should be hurried on to regard the Athenian institutions of a later day as the unbroken achievement of the first and the last true lawgiver whom Athens received. No one, indeed, was fitter than Solon to lay the foundations of liberty amongst his countrymen; but he was not a man to raise its towers towards the clouds, even had his people been more numerous and more prepared to aid him in a plan so really impracticable. He certainly appears to have proposed the elevation of the

[1] Plut., Sol., 14, 15.

lower classes, as his especial aim; and there was quite sufficient light to shew the truth, that it was vain to strike off the poor man's fetters or restore his patch of land, if he were then to be left in the same inferior and dejected condition as that from which he was already fallen. Accordingly, Solon remodelled the whole system of divisions and ranks, upon which the aristocracy of Athens had hitherto securely rested, by introducing a new scale, adapted neither to descent nor to occupation, but to a simple census[1] of the taxes which each man paid into the public treasury. In this way, four classes, entitled equally to the lower rights of citizenship, were formed: one, whose income amounted to the highest sum assigned, being alone eligible to the Archonship and the priesthood; a second and a third, united with the first, as a body from whom the other magistracies were to be filled; and a fourth, comprising such as had not yet been regarded as freemen,[2] but were now, though still unequal to any direct contributions, entitled to a place in the popular tribunals to be presently de-

[1] "The census, *τίμημα*, which we," says Boeckh (Polit. Econ. of the Athen., book iv. ch. 5), "shall call the *taxable* capital, is not to be confounded with the entire value of any individual property, nor is it at all the same with the taxes themselves." It would act, says Mr. Grote (Hist. Greece, vol. iii. p. 157), "like a graduated income-tax, looking at it in reference to the three different classes; but as an equal income-tax, looking at it in reference to the different individuals comprised in one and the same class." The reader is referred to either of these works for further details.

[2] Dion. Hal., ii. 9.

Dionysius of Halicarnassus completed his history or Archæology of Rome, where he had resided and laboured for twenty-two years, in A. C. 7.

scribed.[1] The old divisions of Tribe, Fraternity, and Name were virtually at an end; and it was perhaps at this time that the Trittyes and Naucraries,[2] or bodies of householders, were, if not instituted, at least substituted in place of the older orders, that had been regulated by birth, and not by industry or property or public services; so that the rise from one class to another was inevitable to him who prospered in his duties. The most unpretending account of this reform in the Athenian constitution, the stepping-stone, as it proved, to succeeding development, is obliged to bear some witness against the misunderstanding of which Solon has been made the victim. He intended to make every class a class of citizens, but, at the same time, to confine the exercise of the higher political rights to the higher classes, whose services to the state were the largest and the most important.[3] Yet there was an especial law to prevent the increase of landed property beyond certain

[1] The first class was called the Πεντακοσιομέδιμνοι, their income amounting to 500 measures (700 of our bushels) of produce. The second, the Ἱππεῖς (knights), had an income of 300 measures or upwards and were able to support a horse besides. The third, Ζευγῖται (yokemen), had 200 measures or more, and kept a yoke of cattle, or a pair of horses or mules. The fourth, Θῆτες, were partly of the poorest citizens, and partly of those whose income did not reach 200 measures; neither, however, were taxed. Cf. Plut., Sol., 18.

[2] Each of the four Tribes contained three Trittyes, making twelve in all; each Trittys containing four Naucraries, making forty-eight. See especially Wachsmuth, Hist. Ant., vol. i. sect. 44, pp. 354, 355, Eng. transl.

[3] "The Greek expression for the payment of taxes (τελεῖν τὸ τέλος) does not express the mere payment of a regular sum of money, but includes the fulfilment of all the duties imposed on a certain assessed class; namely, military service, liturgies, and even extraordinary taxes upon property."

limits;[1] while, on the other hand, there was a law equally stringent to compel the father to provide some occupation for his children, and further, to secure the punishment of such as were content to remain unemployed.[2] As far as government or legislation could protect the labour of a people, to the advantage of the lowest and to the controul of the highest, it was done.

It is only reasonable to suppose, that, if Solon thus actually remoulded the whole substance of the Athenian institutions, he was little concerned with the forms in which its political operation might be cast. The Archonship and the Areopagus, however, in which both civil and priestly authority had hitherto been concentrated, would scarcely seem so trustworthy to Solon that he would be willing to confide the interests he had espoused to them; and the institution of appeal from the judicial decisions of the Archons to the public tribunals[3] he established testifies to his intention of preventing the magistrates of elder date from exercising any undue authority. The places in the Archonship and the Areopagus, like all the high offices of the state, were held under strict responsibility to the laws.[4] It then, apparently, became the object of

Hase, Anc. Greeks, p. 241, Eng. transl.

[1] Arist., Pol., II. 4. 4. See Schömann's Assemblies of the Athen., p. 9, Eng. transl.

[2] Plut., Sol., 22. Cf. Herod. II. 177; and Boeckh, Pol. Econ., book IV. ch. 7. See the article Argias Graphe in the Dict. Gr. and Rom. Ant., ed. Smith, 2d edit.

[3] Εἰς τὸ δικαστήριον. Plut., Sol., 18.

[4] See the Dict. Ant., Art. Euthyne.

Solon to revive the assembly and the senate, which must have had some previous existence, in order not only to defend his people against positive dangers, but to help them forward to greater privileges. His work continued calmly and unfailingly. The assembly, according to his constitution, was composed of all native Athenians, attained to the age of twenty, whose principal rights, in the beginning, consisted in electing to offices, and in calling magistrates to account for the manner in which their powers were exercised.[1] Above this in consideration and in authority was the senate, or, as then styled, the council; to which one hundred members, thirty years, at least, of age, were chosen yearly, from each of the four tribes, but not, perhaps, from all classes, in order to superintend the affairs and to pass the ordinary decrees of public administration.[2] It is sometimes doubted if Solon established the Heliæa, a general court, as it may be called, appointed from members of the assembly, but of those only who were thirty years old or upwards, and divided into various

[1] Arist., Pol., II. 9. 4. Plut., Sol., 18. The privilege which the citizens fifty years old or upwards received, of speaking first before the assembly, is characteristic only of Solon's time. So, too, the anecdote of Anacharsis's slur in Plut., Sol., 5. The most important reference here required is to the lines of Solon himself, in which he describes a very moderate constitution of the popular privileges. Plut., Sol., 18.

[2] Xenophon (Mem., I. 2. 35) mentions the age; Plutarch (Sol., 19) fills up the description of the senate, to which he ascribes the initiative in affairs not yet, apparently, submitted to the assembly. The most important functions of the council were discharged by its Prytanes, or presiding committees, each of which, in turn, took possession of the Prytaneum, continuing on duty without interruption for a certain number of days.

smaller tribunals, whose action, chiefly of a judicial character, was intended, like that of the council, to serve as a check upon the recklessness or insubordination of the assembly, from which it was formed;[1] in its earliest times, it was the court, especially, of appeal;[2] nor is it certain that the examination of candidates for the magistracies, or for places in the higher assemblies, as well as for common citizenship, was instituted by Solon.[3] The danger, as we have already remarked, is of attributing too much to the single lawgiver; but on whatever grounds the exercise of political liberty was intrusted to the people, it appears that, after they were settled, Solon retraced, as it were, his steps, to corroborate the authority of the Areopagus. According to his law, the Archons, whose office had been honourably sustained, were alone made eligible to the most solemn of the Athenian tribunals, which, in conjunction with, yet in superiority to, the council, was formally constituted with authority over private and public life, as "the guardian and the protector of all the laws."[4] It is not difficult to conceive that a people, meeting together, with new impulses to excitement, beneath a southern sun, would soon need to be restrained as much as they had, at first, needed to be encouraged in the uses of their freedom.

[1] See Wachsmuth, Hist. Ant., vol. i. sect. 47, pp. 382. 384, Eng. transl.

[2] Plut., Sol., 18. See note 3, p. 165.

[3] It was held before the Heliæa or the senate. Smith's Diet. Gr. and Rom. Ant., art. Docimasia.

[4] Ἐπίσκοπον πάντων καὶ φύλακα τῶν νόμων. Plut., Sol., 19.

The larger number of the laws composing the code which Solon gave his countrymen have not yet been considered; nor can they now be enumerated, much less explained. But it is right to mention some more prominently connected with the efforts by which he who framed them was endeavouring to establish the liberty of the Athenians. The cruel penalties of Draco's laws were repealed; and the crime of murder alone remained punishable by death. While every one was encouraged to bring an offender of any degree to trial, it became necessary to exercise fresh severity in order to restrain the extravagance to which many of the richer men were yielding, and to prevent the insolence of the lower classes towards those esteemed to be far above them. The attention of the labouring people was directed towards mechanical arts, as the means of their support in a country whose narrow limits and scanty soil prevented the greater number from supporting themselves by agriculture; while nothing was allowed to be exported but oil, the abundant harvest from the olive-trees which covered Attica. The laws, in all their relations, were to be upheld; the prowess they encouraged was honoured in public with magnificent rewards, and the vices they prohibited, such even as the thanklessness of children who neglected to support their parents, were branded with the deepest infamy.[1] Under so much watchfulness, it seems as if Athens must have become the model city of the ancient world.

There was a numerous class, however, which after-

[1] Plut., Sol., 17, 18, 20, 21, 22, 24. Diog. Laert., i. 55, 56.

wards became the largest of all in Athens, who had no share in these rights which Solon gave, or these higher duties which he imposed: they were the aliens and the slaves. He, indeed, in his desire to do all men justice, as far as he was allowed to know what justice was, admitted some exiles or immigrants, who resided permanently at Athens, to the Athenian citizenship; and made all strangers of eminence secure of an honourable welcome. So the slave was protected against the cruelties of his master, and was allowed to look forward to freedom as within his reach, if he were faithful or fortunate. But as years elapsed, and the democracy of Athens grew wild, as will be soon described, the number of slaves and aliens was very greatly increased, at the same time that the facility of obtaining protection or citizenship was very greatly diminished. Some of the strangers were still received as citizens, though in an inferior degree to the native Athenians; others pursued their trades and formed their connections, but were bound to pay a particular tax as aliens, and to depend upon an Athenian patron; while a third class, resident for a few years, or even less, paid their taxes annually, and were suffered to gain but little, either in rights or profits, in return.[1] In later times, the demand for naturalisation was required to come from at least one thousand native citizens, and to be finally ap-

[1] These three classes were named Ἰσοτελεῖς, Μέτοικοι, and Ξένοι. The distinction between the last two is that of Inquilini and Peregrini. Taxes upon the stranger were paid by capitation, and sometimes, likewise, upon real property. Demosth., Cont. Androt., 61. Xen., De Vectig., 2.

proved by an assembly in which six thousand were present to vote in its support. These things are mentioned even before they were the customs or the laws of Athens, lest it should seem surprising that the freedom which Solon founded did not rise in truer proportions as it continued to exist and to increase. He may himself have intended that the stranger should always have a home, and the slave a hope of liberty, under his laws; but, though we magnify the spirit which was in him, we cannot transfer it to his countrymen. The Athenian republic became the republic of a few Athenians alone.

The new code, written upon wooden tables, was set up in public, and the magistrates swore to it as "for an hundred years;" but Solon asked the Athenians to swear that it should be observed for only ten years, and then went away,[1]—weary, perhaps, with his long toils, perhaps considering it would be better both for the laws and for the people that their dependence on him should cease. One of the laws condemned to infamy and exile the citizen who should attempt, in case of a sedition, to be neutral;[2] and it may not have seemed to Solon too much to trust that this provision would avail, even where inclination was wanting to save and maintain his institutions. Perhaps he believed that the description he gave his fellow-sages of the state, in which the injury to

[1] Plut., Sol., 25. Herod., I. 29. He had undoubtedly been engaged, for many years succeeding that of his Archonship, in the work of legislation.

[2] Ibid., 20. Cf. Aul. Gell., II. 12.

one man was felt as much as if it had been done to every man, was fulfilled.

During his absence, Solon came to Sardis, where Crœsus was either reigning or about to reign. The prince sent for the lawgiver, to see the man whose fame had reached him from afar; and when they were together, he asked of Solon, as though he were consulting an oracle, who was the happiest man on earth. Solon thus replied:—"Of all whom I have seen, the most fortunate was Tellus the Athenian. He lived in a flourishing republic; he had brave and manly sons; their children grew up beneath his eyes; and after a well-spent life, he died valiantly in battle, and was nobly buried by his countrymen, in the spot where he had fallen."[1] And as the devotion which Tellus shewed his country largely entered into Solon's estimate of his happiness, so any man of virtuous desires in Athens would, at that time, have looked up to the institutions under which he was born as the objects equally of hope and sacrifice.

The boy was educated to become a good citizen; if he were that, he was considered infallibly a good man. The crown of olive which the Athenians gave to him who had done his duty to Athens was nearly sufficient to satisfy the largest aspirations of the largest heart; to a feeble heart, it was all too much to be the end and the recompense of a lifetime. No limits were set upon the services the state required;[2]

[1] Herod., i. 30. Plut., Sol., 27.

[2] Hence the various liturgies (λειτουργίαι) contributed by the

no punishments of offences against the state could be exaggerated;[1] and it was in consequence of this supremacy of public interests that Athens became "the parent of fruits"[2] after the hand of Solon had scattered in their seeds. Every Athenian, arrived at the age of eighteen,[3] swore in the temple to defend the laws and to labour to make Athens greater and more glorious;[4] and the highest praise which Isocrates, the orator, could give to those of whom he was speaking with warmth and admiration was, that their oath had been fulfilled.[5] Such a spirit needs here its mention, if no more; for nothing else than this, even in its embryo existence, can explain either the readiness with which the legislation of Solon was established, the defects towards the aliens and the slaves by which it was marked, or the confidence with which the legislator himself departed when it was but just confirmed.

wealthy to the support of the fleets (*τριηραρχίαι*), the choruses (*χορηγίαι*), the festivals (*ἑστιάσεις*), the embassies (*θεωρίαι*), and the gymnasia (*γυμνασιαρχίαι*). The extra property tax (*εἰσφορά*) and the various voluntary contributions (*ἐπιδόσεις*) must be viewed in the same light.

[1] The state-debtor, for instance, was unable to hold any office; if he died a debtor, his son was not only ineligible, but was arrested and imprisoned until the father's debt was discharged. Corn. Nepos, Cimon, 1. So the *ἀτιμία*, by which a citizen lost all his rights. See Hermann, Pol. Ant., sect. 124.

[2] "Parens frugum." Flor., III. 6.

The name of Florus is attached to a series of panegyrical tableaux, as they may be styled, of Roman history; but nothing more than the name of the author, perhaps not even that, is known.

[3] Schömann, Assemblies, &c., ch. VI.

[4] Pollux, Onomast., VIII. 105.

[5] Panegyr., 22. *Ὁπότεροι φθήσονται τὴν πόλιν ἀγαθόν τι ποιήσαντες.*

It was said that Solon replied to one who questioned him concerning his laws, as if to learn his real opinion of their value, that they were the best which the Athenians could bear:[1] not, it is to be observed, the best to be conceived, but the best to be obeyed. And here, with this confession from much the wisest and much the humanest lawgiver of heathen nations, it is fitting to pause, if but one moment, to contrast the confidence in the laws established in the later periods of antiquity with their insufficiency and instability. With the Greek or the Roman, the loftiest objects of dependence or of devotion were the institutions of his country; through these alone he learned, and obtained, if at all, the inspiration to fulfil the right, in sight of gods and men. On this very account, the history of liberty, in ancient times, is the history of their highest knowledge and their widest power; of which, however, the imperfection scarcely needs to be explained. No work of man, indeed, has ever been his own alone; never a generation has passed without its help, unseen or seen, from its Creator: but the forms and the ideas by which the ancient nations lived may yet, compared with those to which they have yielded, be defined as mortally fashioned and mortally conceived. One people, like the Athenian, would obtain their Solon; yet, notwithstanding his certain superiority to most of his contemporaries, the laws he gave would contain nothing holier, nothing truer, than some, at least, amongst them were able to propose; though, at the same time, a nearer

[1] Plut., Sol., 15.

approach might be made to liberty and to humanity than had been within the aim or the fortune of other codes. The duty of the law, whether of Sparta, Athens, or Rome, was such as could be seen on earth;[1] it did not descend, untouched by human hands or unuttered by human tongues, from Heaven. It failed, therefore, everywhere: the age which followed denied the age which went before, or distrusted that which was advancing with the future. Solon could, indeed, communicate the things he had seen; but his vision might be too confined for posterity; and the altar which Epimenides ordered to be raised in Athens to the unknown God stood when Solon's laws were almost totally obliterated.[2]

The restlessness of the Athenians soon proved stronger than their obedience; and while their lawgiver was abroad, the ambition of one class and the misery of another were already threatening the work on which he had spent his wisdom and his energy. The blow was struck, at last, by a kinsman and a friend of Solon. Pisistratus, a man of lofty birth, in the very prime of gracefulness and resolution, placed himself at the head of the lower classes, clamorous for further relief and further power than they had received. By a profusion of promises and liberal-

[1] "Quam angusta innocentia est," exclaims Seneca (De Ira, II. 27), "ad legem bonum esse! quanto latius officiorum patet quam juris regula!" &c. Yet the wider duties he applauds depended upon the narrower law alone. See part II. ch. 7, of Leland's Christ. Revel., with various references to the authority of law, generally considered in ancient times.

[2] Acts, XVII. 23.

ities,[1] he succeeded in making himself the tyrant of Athens,[2] against the menaces of his adversaries and the remonstrances of Solon, who had hastened home to meet the danger. The lawgiver urged his countrymen, with characteristic ardour, at first to refuse, and then to overthrow, the power which his friend obtained; and when his efforts were vain and his influence exhausted, he threw his weapons out of his house, declaring he had done his best to save the liberty of the people, for whom he would attempt to do no more.[3] Pisistratus was twice expelled by the factions opposing him; but he was twice restored; and became, at length, so firmly seated, that he died in undisturbed possession of authority, and was even able to transmit it to his sons. Hippias and Hipparchus then governed together, Hippias taking precedence as the elder, until Hipparchus was slain by Harmodius and Aristogeiton, who had gained a renown for a love of liberty they did not feel;[4] and as the Athenians were still content to obey the surviving brother, Hippias continued in the tyranny, though he made it severer than it had ever been, until he was expelled by the hostile party among the nobility, aided by an armed force from Sparta, after Athens had been subject, with two interruptions, to his family for fifty years.[5]

[1] Herod., I. 59.

[2] Plut., Sol., 30. Herod., I. 59.

[3] Plut., Sol., 30. Diod. Sic., Reliq., IX. 4. 21. See a letter he may or may not have written to Pisistratus, in Diog. Laert., I. 66, 67. "It was the last time," says Plutarch, "he had any thing to do with the commonwealth."

[4] Thucyd., VI. 54. 59.

[5] Herod., V. 62 *et seq.* A. C. 560—510. Pisistratus died 527; Hipparchus was slain in 514.

It need not be concluded that the patriotism of the Athenians, in which Solon had once confided, was extinct because they thus submitted to a tyranny. Many of their laws, established at the expense of the nobility, had soon begun to excite resistance and sedition amongst the higher classes; and it was because the lower orders, as yet unable to defend their privileges, as yet, indeed, unable to appreciate them, threw their support on the side of the family which pretended to assume their cause, that Pisistratus and his sons acquired popularity and supreme authority. It is not worth while to repeat the common details concerning the excellence of their rule,[1] the labours they encouraged, the festivals they celebrated, or the intellectual pursuits they supported with really generous magnificence; the mere mention will suffice to explain the contented submission of the higher and the lower classes. Solon, we remember, opposed and lamented the tyranny; and it may still appear to be true that the dominion, thus closely following the legislation, was the reason that the formation of freedom in Athens was long hindered and effectually changed.[2]

The most important passages in the history of

[1] See Thucyd., vi. 54.

[2] See Solon's lines in Diod. Sic. Reliq., ix. 21. Walter Savage Landor has hit the truth in one of his Imaginary Conversations. Pisistratus says to Solon: "I intend to exert the authority that is conferred on me by the people in the maintenance of your laws, knowing no better." And Solon replies, "Better there may be, but you will make worse necessary." Works, vol. ii. p. 187.

Grecian freedom have been sketched in the preceding pages; the most interesting, perhaps, and certainly the most numerous, remain untold. The efforts we have witnessed in the force of Hercules, the adventure of Jason, the science of Æsculapius, and the piety of Æacus, were individual; those which established the order of Minos and the union of Theseus were in part only individual, because in part national; while in the unwritten laws of Lycurgus, and above all, in the written laws of Solon, we have the wider efforts that betoken the preparation and the exercise of national liberty. Here, if we may, we are to count the fruits thus sown, thus watered, and thus approaching their maturity.

In the times succeeding to the war with Troy, when the various races of Greece were breaking from their former territories and their old associations, as if to begin afresh upon a new period of existence, many different migrations took place to the islands of the Ægean, and, farther on, to Asia. One, headed by Æolians, and bearing their name, crossed to Lesbos and the neighbouring Asian shore; another, chiefly of Ionians, commanded by some of the sons of the Athenian Codrus, settled in Delos and Samos, as well as in other islands, and upon the coast to the south of the Æolians; and still a third, of Dorians and their fellow-adventurers, took possession of Rhodes, perhaps of Crete, and the neighbouring parts of the continent below the colonies of the Ionians.[1]

[1] The Æolic migration began in A. C. 1068, the Ionic in 988, and the Doric at about the same period. Clinton, Fast. Hell., vol. I. pp. 79 (note), 103 *et seq.*, 107 *et seq.*, 123, 140.

But, though thus closely situated on a foreign soil, neither race appears to have had any immediate connection with the others; nor is it certain that the different settlements of the same origin were ever united by other institutions besides their common festivals, with the single exception of the Greeks in Lycia, who had, in part, at least, migrated at a much remoter period. The same beauty of climate and of country, the same separation of men and of laws which marked the mother-land, belonged to her various offspring, in their habitations among or beyond the waters. But other influences reached them from the East, towards which they had removed; quickening their intellectual powers, yet leaving them, in the course of years, enfeebled and unfitted for the higher progress to which their countrymen arrived in the homes of their fathers. The names of Homer, a native, in all probability, either of Chios or of Smyrna, both Ionian, and Thales, born and living in Miletus, another Ionian city, are at the beginning and the end of the line of light that marks the era of freedom in the countries to which they belong. After centuries of prosperity, during which the colonies became great cities, parents of other colonies, themselves, while luxury and knowledge outstripped the industry that once and more happily had been before them, the arms of Crœsus, King of Lydia, compelled "the Greeks of Asia," as their first historian writes with bitter terseness, "to the payment of tribute."[1]

[1] A. C. 560. Herod., I. 27.

Crœsus, himself, was, not long after, overcome by Cyrus, the Persian conqueror, to whom the Ionians and the Æolians, as they were still called, sent embassies to obtain the same terms of submission as those which the Lydian had allowed. Cyrus, however, vexed that they, or rather the Ionians, had just before refused his invitation to throw off their allegiance to Crœsus, gave a threatening answer[1] to their present proposals, and made a league with the Milesians alone. The others sent to Sparta for assistance, but the Spartans only returned a message to Cyrus, which obtained no favour with the conqueror,[2] who, departing, himself, soon after, to his more important conquests, left the reduction of the Ionians to the Median noble Harpagus,[3] in whom he reposed especial confidence.

Harpagus first advanced against Phocæa, a city inhabited by a commercial and a comparatively laborious people, from whom, as if he knew their bravery to be above the indolence of their countrymen, he demanded the mere recognition of their subjection to his master. They asked a day for deliberation, and Harpagus, though suspecting their designs, withdrew his forces, for that length of time, from before the walls. He was no sooner gone, than the Phocæans, embarking wives and children, sacred treasures, and as many things as they were able to move on board

[1] A. C. 546. The answer was couched in a fable, which Herodotus repeats, I. 141.

[2] The king said he had no fear of men who met to deceive one another in their market-places, — referring to their assemblies. Herod., I. 153.

[3] Herod., I. 162.

their ships, set sail for Chios. There they determined to make for Corsica; but before departing for ever from the homes in which they could be no longer free, they sailed back to Phocæa, in order, probably, to begin their voyage with the usual rites that were to be celebrated only before their own altars. Landing there, they slew the Persian garrison in possession of the empty city, and then started anew, with solemn oaths that they would none of them return. More than half their number were faithless, and stayed behind; the rest, however, kept on unflinching to their distant haven. The example of the Phocæans was followed by their neighbours of Teos, who all departed to Thrace, where they settled at Abdera, on the shore of their own Ægean. But these were the only Ionians who, as Herodotus says, could not bear with servitude:[1] and though the rest resisted yet a little while, on the continent and in the islands, their fall beneath the Persian dominion was scarcely delayed. Many then joined Harpagus in his march against the states of the South; where the Lycians, after being overcome, near Xanthus, by the much superior numbers of the enemy, retreated into the town, and then into its citadel, to light, with their own hands, the flames which consumed their treasures and their families, while they themselves perished in battle with their conquerors.[2] In such agonies as these, the love of liberty breathed its last amongst the Greeks of Asia Minor.

[1] Herod., i. 169.

[2] These events happened between A. C. 544 and 539. They are described by Herod., i. 162—177.

Another instance of the same free spirit may be related as having occurred under different circumstances. After a brilliant but perfidious tyranny at Samos, Polycrates died a miserable death at Magnesia;[1] on proceeding to which city, he had left his authority over Samos in charge of his officer, Mæandrius, a native, like the tyrant himself, of the island. As soon as the tidings of his master's fate arrived, Mæandrius erected an altar to Jupiter the Liberator, and called the citizens together, to inform them of the event, and to offer the resignation of his authority into their hands, provided they would allow him a certain sum from the treasures of Polycrates, and secure to him and to his heirs the office of priest to the god whose shrine he had just dedicated. The proposal was not, therefore, entirely disinterested; but it was more than could have been expected from a man whose character bore some previous stains. It was refused, however, by the Samians, of whom there was one man rash enough to inveigh against Mæandrius with great violence; at which provoked, he changed his mind, and determined to maintain his power. Imprisonments and massacres followed fast; and Mæandrius himself was finally obliged to fly before the Persians, who established another tyrant in the island.[2] But the story, whether perfectly credible or not, is characteristic of the instinct with which the

[1] He was crucified by order of his enemy, Orœtes, the satrap of Sardis, A. C. 522. Herod. III. 125.

[2] The harangue of Mæandrius in full and the subsequent event are related with perfect confidence by Herodotus, III. 142 *et seq.*

Greeks, even the most unfit for liberty, desired to be free.

Not long after the expulsion of Hippias from Athens, the Spartans, repenting[1] of the part they had taken in liberating the neighbours of whom they were already jealous, invited Hippias to Sparta, and called a council of the Peloponnesians to bring before them the question of his restoration. The deputies present were mostly averse to interference in behalf of the exiled tyrant; but as it was not usual for them to oppose the pleasure of their superiors, they held their peace, until one Sosicles, from Corinth, rose up with bolder heart. "The sky," he said, "must surely be below the earth, and the earth be lifted above the sky,—men must have their habitation in the sea, and fishes live where men have lived before, if ye, O Lacedæmonians! are to destroy all equal rights and bring back tyrants into our cities; for there can be nothing more unjust, nothing more blood-guilty amongst men! . . . . . We of Corinth were amazed to hear ye had sent for Hippias; but we are much more amazed to hear what ye now propose: and we implore you, in the name of the gods of Greece, to establish no tyrannies in our cities. Will ye not abstain from such doings, but will ye try to restore Hippias against all justice? Know, then, that the Corinthians cannot agree with you." These earnest

[1] "Thinking," says the old historian, "that the Attie race, if it were free, would get to be equal in strength with them, but that, if it were kept under by a tyranny, it would be feeble and submissive." Herod., v. 91.

words of Sosicles roused the other deputies to join their remonstrances with his, and, as the historian adds, "the affair thus came to an end."[1] It is an episode to which there are few counterparts in the history of freedom anywhere.

It was, perhaps, in the same year, that the difficulties following the overthrow of the tyranny in Athens resulted in a change of the political constitution that had already, as we have seen, been sorely tried. Solon himself is said to have provided a legal means of repealing old and enacting new laws,[2] as might be desired by his impulsive countrymen, in a commission of Revisers,[3] as their title may be freely translated; but at the same time, an abundance of restraint seemed to have been placed upon the passion for innovation, the peculiar characteristic of the Athenians.[4] The inefficacy of all securities against tumultuous faction was evinced almost as soon as the failure of the others in the laws against aggressive ambition like that of Pisistratus. Clisthenes was at the head of the nobles who triumphed over the son of Pisistratus; but so high ran the disputes amongst the upper classes,[5] that he was speedily obliged to defend himself and his party against his adversaries by unexpected means. Uniting with the popular faction, he gave free rein to

[1] Herod., v. 91–94.

[2] Schömann, Assemb. Ath., p. 254. But see Plut., Sol., 25.

[3] Νομοθέται, lawgivers. See Schömann, Assemblies, &c; p. 241, Eng. transl.

[4] Any citizen might propose a new law; but it was then necessary that five advocates should defend the old law against repeal; and if the new one prevailed, its author was held accountable for its operation during the succeeding year.

[5] Ἐστασίασαν περὶ δυνάμιος, "They quarrelled about supremacy," says the historian. Herod. v. 66.

the democracy, which a comparatively small faction of the Athenians was urging forward. He increased the number of Tribes to ten, subdividing them into new municipalities, one hundred and seventy-four in all; and, at the same stroke, enlarged the magistracies, the tribunals, and the council, so that more of the lower citizens could find their way up to them.[1] The admission of aliens and even of slaves into the Tribes, which is ascribed to Clisthenes,[2] was probably an exception in favour of certain adherents on whom he depended, or whom he wished to reward. Yet these changes were introduced, not as independent, but, in every instance, as alterations, of the existing laws; and the profession on which Clisthenes relied for success was probably that he was defending the institutions of Solon, to whom the Athenians now looked back as to the great man of a former generation. It need scarcely be observed, that, to introduce new elements of democracy, where the original ones had not yet been allowed to act freely, was hastening the confusion and the wildness of a later day. The work of Clisthenes sufficed, at least, to his own protection. Under favour of Sparta, the opposite faction was able to drive him, with many of his connections amongst the nobility, into banishment; but the people,

[1] The new magistrates were the Demarchs, the officers of the municipalities. The number of members of the council was increased to five hundred; that of the Naucraries to fifty; a new court was, perhaps, added; elections were, perhaps, appointed to be by lot; but at all events, the old barriers were completely broken down. See Herod., *loc. cit.* and sect. 69. Arist., Pol., VI. 2. 11. Wachsmuth, Hist. Ant., vol. I. p. 361, Eng. transl. Hermann, Pol. Ant. sect. 111, 112.

[2] Arist., Pol., III. 1. 10.

upholding his institutions, prevailed against his adversaries with their stranger allies, and, after three days, recalled the exiles.[1]

A few years, during which Sparta was still the first, and Athens still the rising city in Greece, went by in the course of suspicions, conflicts, and changes common to their history. Of the events in which the Greeks were, at this time, most concerned, the revolt of their Ionian countrymen against Darius Hystaspis was by far the most interesting in itself, far the most memorable in its consequences. The insurrection, totally overcome by the Persian forces, received no succours from Greece, except from Athens and the Eubœan Eretria; but when Ionia was subdued, Darius, remembering there were some Greeks who had aided his rebellious subjects, ordered them to be chastised and reduced beneath his vast dominion. The first attempt miscarried; and the king condescended to despatch ambassadors to demand submission of the states he scarcely knew by name. Many of the smaller cities promised obedience, as was required of them; but at Sparta and Athens, though Athens had not many years before been itself suing for aid from Persia,[2] the Persian envoys were put to death, as if the lips which uttered such demands were to be silenced for ever after.

[1] A. C. 507. Herod., v. 72, 73.

[2] A. C. 492. Herod., VII. 133. Athens sent an embassy in A. C. 505 to Artaphernes, the satrap of Sardis, to ask assistance against Sparta, and again another, a little later, urging the same satrap to give no countenance to their tyrant, Hippias, who was seeking the protection of Artaphernes. See their brave bearing in Herod. v. 73.

It is not in this place that the war between the despotism and the freedom of the ancient world can be even sketched, much less described. The great empire matched itself against a few scanty cities, whose people together were scarcely so numerous as the army of their enemies. On one side, though it seemed so mighty, was the fear of oppression; on the other, though it seemed so feeble, was the love of liberty: and love triumphed, as well as liberty, against the fear and the oppression, which fled away like guilty things. At first, Eretria, the helper of Ionia, fell, razed and wasted, and a shudder ran through Greece; but the battle at Marathon, the battle which Miltiades entreated might be fought, and which he and his Athenians, with their Platæan allies, gained, was enough for ten years.[1] When the Persians came again with their king Xerxes himself, to make them sure of triumph, Thermopylæ was their first welcome; and swift to repeat the example which Leonidas gave were the victories of Themistocles on the waves by Salamis, and of Pausanias, the Spartan, on the plains below Platæa.[2] Before the war was decided, the Athenians twice left their city empty to the invading hosts they could not alone repel; more valiant in abandoning than in vainly defending, because the love of law was thus preserved, at the expense of the love of home. So, after the

[1] A. C. 490. Herodotus's description of the battle is as fresh as on the day it was written, VI. 103 *et seq.*

[2] Thermopylæ and Salamis in A. C. 480; Platæa in 479. See Herod., VII. 223 *et seq.*, VIII. 84 *et seq.*, IX. 53 *et seq.*; and Plutarch's Lives of Themistocles and Aristides.

war was ended, Aristides, a hero in many conflicts, achieved another triumph, greater, it might have been, than any on a battle-field. At his proposal, a solemn league was formed between the people, who had learned, at last, the benefits of union, to maintain a common army against the Persians "and barbarians," and to celebrate, every year, but especially every fifth year in a feast of liberty at Platæa, the memory of their concord and their glory.[1]

The history of ancient liberty has no names of greater note than those over which we have passed almost as though they were idle sounds. But of them all, of others not here even breathed, there is one so much the purest and the loftiest, that it may be taken for the rest to complete these rapid outlines. Aristides, noble by blood as well as by spirit, first appears at Marathon. Elected Archon for the following year, he became, if he was not already, so distinguished for his probity and justice, as not only to be called, by common consent, the Just, but to be employed amongst all classes as the umpire in their various controversies. As a public man, while admiring the aristocratical principles which, in his day, bore the name of Lycurgus, he yet appears to have constantly followed the liberal policy which Clisthenes, without either generous or sincere intentions, had begun near twenty years before; but though he thus belonged exclusively to neither of the Athenian factions, it was through political intrigues, through those, more particularly, of Themistocles[2] against him, that he

[1] Plut., Arist., 21.

[2] Plut., Them., 5.

was ostracised, a few years after his Archonship. The injustice of others had no effect upon his own excellence of soul. While yet an exile, he went from city to city, to persuade the Greeks to defend themselves against the invasion of the Persians; and when he was recalled to Athens, though he found his antagonists in authority, he made no opposition to them, but rather lent them all the aid he could give in action or in deliberation against their common enemies. He even obeyed Themistocles. His watchfulness was equal to his serenity of mind; it was he who encouraged the stand Themistocles proposed at Salamis,[1]—he who upheld the resolution of his countrymen in their universal exile,—he also, who, at Platæa, confounded the conspiracy of certain Athenian nobles to overthrow their national institutions, or else desert to the strangers. Nor were his principles affected by the misfortunes he had met in upholding them. He continued the stanch supporter of the moderate democracy, and after the Persian war was concluded, he proposed and carried the law by which the highest offices, the Archonship, and therefore the tribunal of the Areopagus, were brought within the reach of every class of citizens;[2] in this wise acknowledging to whose arms the victory was due, and in what spirit the danger had been repelled. At the formation of the confederacy between Athens and most of the maritime states of Greece, he was again the energetic and the just statesman, procuring the

[1] Plut., Arist. 8. Herod. VIII. 79.

[2] See Schömann, Assemblies of the Athen., p. 296, and note, Eng. transl.

first place in the league for Athens, as the fittest to possess it, and composing the rules by which its authority should be exercised and obeyed, with such consummate equity, that none complained they were inferior, and even Athens scarcely boasted of being superior.[1] He lived, however, to behold the growth of covetousness amongst his people, which made them oppressive where he had taught them to be moderate; and the poverty in which he died, though it gave them an opportunity to be generous towards his children, did not inspire them to be frugal or just themselves.[2]

The war with the Persians was not fairly over before the freedom thus gallantly defended was endangered by a recurrence of the intestine strifes to which the Greeks appear to have been born and doomed. They who had won the glory of the conflict were hasty to turn their arms against the neighbours from whom the disgrace of faithlessness or cowardice might be thought to spread itself over the entire nation.[3] Yet the impulse to union survived its original cause a little longer; the more naturally, that the hostilities

[1] Diod. Sic. xi. 46, 47. Corn. Nep., Arist., 3. Plut., Arist., 24. See, generally, for the account here given of Aristides, Plutarch's Life, sect. 2, 5—8, 13, 22, 27.

[2] "There have been, in this city and elsewhere, and there undoubtedly will be hereafter, men distinguished in that kind of virtue which consists in managing their trusts with justice." These are words that Plato wrote for Socrates, and to these he added,—"Of this number was Aristides." Gorgias, Dial., ap. fin. "Nonne ob eam causam expulsus est patria quod præter modum justus esset?" Cic., Tusc. Quæst., v. 36.

[3] See the account of the expedition against Andros and the other islands, Plut., Them., 21, and of the proposal of Sparta touching the Amphictyonic states, Ibid., 20

with the Persians did not immediately cease, but were even directed against them in the islands and provinces of their own dominion. The greater part, therefore, of the Grecian states were still united in the league that had been made in resistance, and was now continued in aggression. But from this confederacy, common though it were, there arose an untried danger, more threatening, indeed, to the liberties of Greece than the previous separation between her children. Almost immediately after the triumph at Platæa and the naval victory of the same day at Mycale, the quarrel for precedence amongst the conquerors began. Sparta was accustomed to rule; but Athens, scarcely wont to obey at any time, was now learning to govern through the ambition which Miltiades, Themistocles, and Aristides had, each in his different way, aroused. The claims of the two great cities to ascendancy over adjoining states or islands were soon succeeded by pretensions to superiority over one another; of which the example was set by Sparta, in endeavouring to prevent the fortification of Athens by its famous walls.[1] Spartans could not but foresee that the preeminence of their country would be disputed by the nation whose sacrifices and victories had lately eclipsed their own; while Athenians were urgent to catch the breeze that drove them on to rivalry and empire. Both and all bore ample testi-

[1] Thucyd., I. 89, *et seq.* Diod. Sic., XI., 41 *et seq.* Plut., Them., 19. All these narratives are full of instruction concerning the evil spirit which followed upon the day of glory.

mony to the hold which their peculiar institutions had upon them, in clinging to these as to the surest means of their own maintenance or advancement; and as a firm and orderly aristocracy was everywhere commended and sometimes forcibly introduced by Sparta amongst her allies, so Athens sent, in the train of her fleets or her embassies, the precepts and the samples of her own democracy, that she would have spread in all directions. Instead of one confederacy, there were now two, with room and motive prepared for more.

Nor was the jealousy at once, and the quarrel soon afterward, arising between the two, to be deplored simply because of the wars that were thus engendered. Both the one and the other led, as if of course, to increased demands upon the subordinate states, inducing the Spartans to exercise a haughtier control over their neighbours in the Peloponnesus, and encouraging the Athenians to transform, by craftiness or violence, their allies of the Ægean islands into dependent tributaries.[1] The submission, which was hard at first to yield, became at last a habit, only too easy to be observed; while, on the other hand, the love of power, corrupting itself in the love of gold and of oppression, resulted finally in the degradation and servitude of the very people whom it had originally exalted.

A few individual names may be mentioned in illus-

[1] Thucydides describes the empire of Athens in a passage (i. 19. 89, *et seq.*) not so much worthy of consultation for its statistics as for its principles.

tration of the hostilities and dangers that hovered, vulture-like, above the field which seemed to those who fought upon it to be for ever won.

Themistocles cannot be distinguished, in himself, from many who preceded him. He professed the same fondness for liberal, and shewed the same passion for selfish, principles that are peculiar to many men; but the circumstances of the war, and of the city after the war, were of a kind to conceal, and even for a time to dissipate, the leaven of his nature. When the urgency of action, magnanimous and devoted in itself, whoever might be its agent, was passed, Themistocles appeared the vain and towering citizen, as he might perhaps have been, without appearing so, from the beginning. His countrymen remembered his lowness of birth, and sent him into banishment for the pride that had altered him too suddenly from the upstart to the patriot, and again from the patriot to the would-be sovereign. He was suspected even in his exile, and obliged to fly, at length, to the Persian court, whose bounties he was nothing loath to take and to vaunt before his children.[1]

Pausanias, the Spartan leader at Platæa, was guiltier in his aims. He would have made himself master of Greece, with the aid of Persia, and, failing herein, aspired to overthrow or so to alter the government of his native country,[2] that he might seize upon the supreme authority in Sparta. He was convicted and starved to death.

[1] Plut., Them., 29. [2] Thucyd., i. 128—134.

Another Athenian, Cimon, the son of Miltiades, though neither treasonable like Pausanias nor overbearing like Themistocles, but faithful to his fellow-citizens of Athens, and liberal to his fellow-countrymen of Greece, is nevertheless the representative, in an eminent degree, of the ambition which could gratify itself only in ostentation or warfare. For a long time under the influence of Aristides, he became notable for his leaning to Sparta,[1] and to the cause of aristocracy that the name of Sparta signified; too notable, indeed, for this, to be of service to the conservative principles which his early friend would undoubtedly have taught him more prudently to uphold. He withstood Ephialtes and Pericles, as will presently be told; but his largesses were not sufficient to win the support of the people, and he was banished. Recalled before five years of exile, he was the peace-maker with Sparta, and then the war-maker in Egypt, where he died, thirty years after the battle at Thermopylæ.[2]

These thirty years were the limit to the age defined as that of laws, in the history of Grecian liberty. Even before their close, it seems, whether we turn to Athens or to Sparta, as if we stood where the earthquake was soon to come with crash and ruin. The Spartans were ten years contending with the Helots in Messenia; and though the masters whom Lycur-

[1] The Spartans, indeed, took him for their champion at Athens. He named one of his sons Lacedæmonius. See Plut., Cim., 16.

[2] About A. C. 449. Plut., Cim., 19. Cimon is called by Plutarch ὁ Ἑλληνικὸς ἡγεμών, "the Grecian captain;" which describes him more vividly than many words would do. Cf. Corn. Nepos, Cim. 2.

gus had established were once more victorious, it was proved that they must bleed themselves, in order to preserve their rule. A greater war was lighted between the Athenians, with their allies, on one side, and the Peloponnesians and Bœotians, under the lead of Sparta, on the other; all willing to contend with one another rather than be at peace. Still, likewise, the contest with the Persians continued on the coasts and seas of Asia Minor; but the victories of the Greeks were too easily won and too narrowly enjoyed to satisfy their frenzy for arms and triumphs. The Athenians, contented neither with their enemies at home nor with those they had in Asia, sent out their armaments to support a revolt in Egypt against Persia; but though Cimon was in command of the second expedition, it resulted in nothing of any consequence. Some sort of a treaty appears to have been contracted between Athens and King Artaxerxes;[1] and the conflict in Greece was also allayed by a five years' truce[2] between the parties, who had lost much and gained nothing by their suicidal battles. In point, therefore, of dominion or foreign relations, there were but few changes, apparently, to affect the nation or the separate states of Greece; but the worm within was fed upon the evil spirit that might not shew itself at once, but would be surely proved at last.

In Athens, for instance, the exile of Cimon had

[1] Diod. Sic., XII. 4. Plut. Cim., 13; with which compare Thirlwall's Greece, ch. XVII. A. C. 450.

[2] Plut., Cim., 18. A. C. 451—446.

followed the humiliation of the Areopagus, which Ephialtes, a zealous and apparently an honest supporter of ardent democracy, was able to effect with the aid, and almost certainly at the suggestion, of Pericles. The tribunal, strong in judicial, and, as they might be called, inquisitional powers, was in possession, chiefly, of the richer classes; and it was but yielding to the course prepared, at least as early as in the time of Clisthenes, that the Areopagus was now deprived of all its more important functions,[1] which went, of course, to increase the already multiplied powers of the assembly. It is only important, at present, to observe the rapidity with which the Athenian democracy was brought forward by its leaders long in advance of the claims or the wishes of its members at large. So, in various cities, there occurred revolutions, more or less sudden, and more or less partial, by which, whatever were the immediate consequences, the future turmoils and exhaustions of the nation were indubitably prepared. It was a season of twofold struggle: state with state and principle with principle, were everywhere at variance, if not at war.

The day of decline seems to be never far removed, when the day of triumph is spent in wars. But there was this additional trial to the freedom of the

[1] This was in A. C. 461. Plut., Cim., 15. Cicero tells the whole: "Athenienses quibusdam temporibus, sublato Areopago, nihil nisi populi scitis ac decretis agebant." De Rep., I. 27. The question, however, is usually made very complicated. As for the power and character of the assembly at or after this time, see Schömann's work on the subject, especially book I. ch. I. 4; book II. ch. III. 4.

Greeks, that the struggles between the classes of the same state, rich and poor, slaves and masters, exposed the institutions which such as Solon and Lycurgus had devised to repeated failures and perpetual difficulties. It appears as if the destiny of the states into which the Grecian nation was divided had been marked for a rapid, and therefore, perhaps, for a temporary, development of their varied powers. To each was given the love of beauty, and to each the love of rivalry, of war, and of domination supplied the means of fostering simultaneously its highest and its lowest passions. Within the quarter of a century from Marathon, more voices than one were raised as if to deprecate the precipitation with which men were hurrying onwards and downwards. Pindar, the Bœotian, did not chant the triumphs of his own generation without recalling the memories of the earlier heroes; nor were his praises for the victory at the games unmixed with fervent eulogy upon the virtue, as if he thought it superior to the triumph, of the victor.[1] Æschylus, the tragic poet, not only of Greece, but of the whole ancient world,[2] was one of the warriors

[1] Pindar was born A. C. 522, as is most probable, and died in 442. Two of the passages exemplifying his anxious times are subjoined:—

Ἀλλ' ἐμὲ χρὴ μναμοσύναν
Ἀνεγείροντα φράσαι, κ. τ. λ.

"But for me it is needful to wake our *memories* and tell," &c. Ol., VIII. 97, 98.

Πολλοὶ δὲ διδακταῖς
Ἀνθρώπων ἀρεταῖς κλέος
Ὥρουσαν ἑλέσθαι.
Ἄνευ δὲ θεοῦ, σεσιγαμένον γ' οὐ σκαιότερον χρῆμ' ἕκαστον.

"Many have girded themselves with the imparted virtues of men in order to gain renown. But aught done without the god is as well untold." Ol., IX. 153 *et seq.*

[2] Ἐκεῖνος εἶχε τὸν τραγωδικὸν θρόνον, "He held the tragic throne." Aristoph., Ranæ, 769.

in the great battles of both the Persian invasions; but, instead of sharing in the intoxication and vehemence of his countrymen, he wrote of the higher powers and the remoter glories that they seemed to have forgotten. The shades he summoned from the silent dead, to confront with the men of Marathon and Salamis, came with sepulchral voices and awful forms; but they who beheld the images and listened to the thoughts of his creation complained that it was too much for them to bear, and broke away with murmurs.[1] The poet would have called the gods themselves to his tribunal for their sufferance of the evils he seemed for ever to lament upon the earth; and though his spirit was essentially a religious one, he was the first to question the majesty and the eternity of the immortals.[2]

In the generation to whom the Persian war was already become an inheritance is the place of Herodotus, the father of history. A native of Halicarnassus, in Caria, a traveller for the greater part of his life, and finally a resident at Thurii, a newly colonized city in Italy, where he wrote his history[3] and died,[4] he was nevertheless in every sense a Greek,—in language, knowledge, and inspiration. East and west, the civilised earth contributed its legends to swell the fresh and flowing narrative to which he gave his manhood and his age; but the most transparent fervour of its course

[1] Aristoph., Ran., 1059 *et seq.*

[2] See Prometheus, 938 *et seq.* Æschylus was born at Eleusis, A.C. 525, and died in Sicily, 456.

[3] According to all probabilities, and to Pliny, Nat. Hist. XII. 8.

[4] Some time after A. C. 408.

is when it reaches Athens or Ionia, or the world, as it was to him, of Greece, in his eyes superior to any other portion of the universe. Yet while we seek in Herodotus to trace in general the influences which the preceding pages may have partially explained, it is especially apparent that the old man at Thurii was moved to apprehension by the changes befalling the land he loved, and to which he still belonged. It was a spirit kindred to that of Æschylus which inspired Herodotus to become an historian, and to compose his simple and entrancing relation of the renown that was departing or departed. The answer of Leonidas to one who said that he had too few to fight with him at Thermopylæ seems to belong to the whole generation,—"They are too many to die!"[1]

SECTION IV.

ILLUMINATION AND DECLINE.

The remainder of the history of Greece has comparatively little connection with the history of liberty. It would be almost sufficient here to remark, that, through a course of internal and external wars, the evils that were beyond the sight or control of the first generations increased so swiftly and so thickly, both with private habits and in public institutions, that the fabrics of earlier fell under the floods of

[1] Plut., De Herod. Mal., tom. IX. p. 437, ed. Reiske.

after years.[1] But inasmuch as the intellectual powers of the Greeks received their highest and broadest expansion while their freedom politically and materially was in the act of departure, and further, as many of the most glorious names of all their history are bound in with the times of their decline, it is necessary to sketch these, at least in outline. The reader, however, must be again warned that the pages he is reading are intended as an analysis rather than a narrative.

The Athenian who remembered the dreadful day when he, with all he knew and loved best, was forced to fly before the approach of the invader, would have had no thought of lamenting his condition or that of his country at the time when Pericles succeeded to what may be safely styled supreme authority in Athens. In the interval, the Persians had been driven back, and the Spartans met on equal terms; the empire, of which the justice of Aristides was the foundation, had been increased by the policy of Themistocles and Cimon, and fastened, as it were, with cables to the mistress-city, by the removal of the treasure and the tribunal of the confederate islands to Athens. Within the new-built walls, houses and temples were risen or rising on every side; the streets resounded with the hum of a busy population; the assemblies and the courts of the citizens were fuller than ever, since there had been pay pro-

[1] Deluge upon deluge followed,
Discord, Macedon, and Rome.
SHELLEY.

vided for attendance, and authority added for exercise, by the measures that stripped the Areopagus of its dignities and clothed the popular institutions with fresh and more turbulent importance. The artist laboured on his fresco of the battle or the return; the sculptor, like Phidias, was endowing the goddess to whom Athens was supposed to owe its safety with greater than her heavenly beauty; and the architect was intent upon the holy habitation to which the immortals might boldly be invited from their banquet-halls amongst the clouds.

However much the masses of the Athenians might be interested in plans of building and adorning the homes they had recovered, they were scarcely employed as labourers in their completion. Industry was already become a reproach[1] to the citizen, as the multitude of foreigners, artisans or slaves, abundantly testified. Nor were the occupations of warfare any more attractive to the greater part of the Athenians, who were beginning to resign their arms to the stranger and the mercenary. Education was composed of grammar, music, and gymnastics; and if we understand the gymnastics and the music for what they were, education may be taken for the description of most men's lives.

Away from the sight of men, Sophocles was bending over the images he had called into existence, with

[1] "We call those occupations base," says Aristotle, which in any way injure the beauty of the body or are paid; for they take from thought its freedom and its grandeur." Pol., VIII. 2. Cf. Plato, Republic, lib. IX.

love and tender feeling, that would have both been unaccountable, had there not been softer lines in the character of his people, the worshippers of beauty in all its colours and all its forms. The first play of Euripides was before the world, and he, full of ambition to surpass the achievements of Sophocles and Æschylus, was studying in phylosophy and in history the secrets of the nature he was often too frigid, too literal, or too affected, to understand. Some bright day would call forth the poets and their countrymen, together, to the theatre, where the words of him who wrote were repeated amid the acclamations and the raptures of the motley crowd that listened, of Athenians and strangers, warriors, traders, and slaves. To the Athenian the day of the new drama was the great day of the month or year; and the seat he had at public cost in the theatre was one of his highest privileges as a free citizen. He looked with the same eye upon the temple or the statue,—that they were his individually, and his, also, as the native of his great and glorious country. It was a matter, positively, of less regard with most men in Athens, at the time to which we have arrived, that the revenues of the islands should be duly received or the powers of the assemblies rightly exercised, than that there should be an Antigone or an Alcestis to be seen upon the stage, or a Parthenon to crown the Acropolis with its diadem of columns.

This sketch may serve the purpose of describing the Athenians as they were in the time of Pericles. He was a grand-nephew of Clisthenes, to whose career, as

that of a high-born and professedly popular man, his own may be aptly enough compared. Fearing at the outset of his public life to be thought aiming at tyranny in Athens, he kept himself in the background, and employed others, as he seems to have employed Ephialtes, in furthering the projects, of which he nevertheless obtained the popularity, concerning the humiliation of the Areopagus, the remuneration of the members of the Heliæa, possibly of the assembly, and the public payment of the price of admission to the theatres.[1] It was not until many years after these measures were partially or wholly carried, that Pericles took courage to throw aside the reserve he had imposed on himself while Cimon lived, and other adversaries whom he feared remained. Renewing the peace with Sparta, and assuming the control of public affairs and the direction of public works, he lived for nearly twenty years at the head of the Athenian dominions. The laws of earlier times were scarcely changed; the courses of colonisation, of commerce, and of learning, were unquestionably improved; the art, the poetry, and the philosophy of Greece were lifted from their nests and taught to soar: but the glory was the result rather of the sacrifice of Theseus and the wisdom of Solon, that is, of the training that had long been prepared for the Athenian nation, than of the genius of Pericles.

He stands in histories laurelled for the work of

[1] Plut., Per., 7, 9; Cim., 15. Diod. Sic., xi. 77. See Boeckh, book ii. ch. xiv.

other men, by which he had the sagacity and the power, after he once declared himself,[1] to profit; but the inheritance he left in the place of that he had received was of a people who would never be free again, as they had been, though they might be a refined, a sensitive, and, compared with almost any other ancient standard than their own, an admirable nation. It must be confessed as plainly, that many of the evils he bequeathed he had himself inherited from former generations. The acknowledgment of slavery—the exclusion of strangers, and even natives, from political rights — the system of extraordinary dependence on the rich in respect to contributions, and on the poor in respect to political authority—the preponderance of orators and generals amongst the magistrates—the inferiority of women—the prevalence of licentiousness in all sorts of habits, and of scepticism in all kinds of opinions—were not to be charged against Pericles or any other individual in the history of Athens or of Greece. One error, at least, there was to avoid, into which he, with all his statesmanship, plunged headlong. At his suggestion, a law was passed, disfranchising some five thousand citizens for want of Athenian descent on both the paternal and the maternal sides; by which the number of those in full possession of citizenship was reduced to fourteen thousand and forty only, in the midst of slaves, residents, and a continually growing multitude of every occupation and degree. It may be added, for the sake of explaining, not only the

[1] Thucyd., II. 65. Plut., Per., 9, 15.

operation of the law, but the character of its author's power, that, when his house had been stricken with disease which spared neither son of his lawful nuptials, a child he had by Aspasia was admitted to the franchise as his successor.[1] The immediate legacy of Pericles to his countrymen was the Peloponnesian War. He may not, possibly, have provoked,[2] but he did not prevent, the hostilities from which the freedom of Greece must be said to date its ruin.

Even the allies of Athens, her subjects, as Pericles would have forced them to become, were so weary of the principles by which they had been governed, that, at the close of a conflict protracted for nearly thirty years,[3] they who had not already deserted their mistress[4] rejoiced in her overthrow. The horrors of the war were increased by the factions which rent nearly every state engaged in it; nor were they in any way tempered by the conduct of the leaders on either side, who seemed to revel in the hatred which was kindled amongst their neighbours and between their cities. Nicias, an honest man, but so timid that he would keep his doors barred or refuse to tarry with a friend,[5] was one of the few who wished for peace; while, on the other hand, Cleon, the thorough demagogue, inflated with ignorance and airs, and Alcibiades,[6] proud of his descent from Ajax

[1] Plut., Per., 37.

[2] His feeling is pretty distinctly proved to have inclined towards war in Plut., Per., 21.

[3] A. C. 431—404.

[4] Of which there were instances within the first seven years of the war. Thucyd., iv. 88.

[5] Plut., Nic., 5.

[6] Plut., Alc., 12, 18; where the extraordinary gifts he received, and the still more extraordinary

and from Jupiter, unscrupulous in his demands and his designs, at once a fondler and a despiser of his countrymen, were fierce for war in Athens; and the Spartan heroes, Brasidas and Lysander, did not belie the laws which were now interpreted as ordering cruelty and encouraging pride. Details of the campaign from year to year,—alternations of success in favour of Sparta or of Athens, the two great combatants under which the rest were ranged,—enormous efforts made in Greece, on the seas, and in Sicily,—and terrors of carnage, pestilence, and affliction,—were all such as might have been expected in a conflict where passions and forces were nearly equal on both sides. It was the contest for superiority, not only with regard to the state or the states that might be subdued, but over all the Grecian nations. Foreign powers were enticed into the affray; Athens obtained the aid or the alliance of Thrace and Macedonia, while Sparta leaned upon the promises of the Persian king, too willing to behold the laceration of his enemies by their own hands.

Of this deplorable contest, which exposed every thing that was feeblest in Greece to observation and to influences the most hostile to freedom, Thucydides is the monumental historian. Without concealing the truth, which he was too great in spirit to deny, he seems to have compressed his lips in sorrow for the relation he had to give; his nervous words and

designs he formed upon Carthage, Libya, Italy, and the Peloponnesus will be found described. See Thucyd., vi. 15; Corn. Nep., Alcib., cap. i.

anxious thoughts are as the fears of his nation for the future rather than as their memories of the past. Unlike Herodotus, Thucydides wrote of the present, beating and sweeping around him; but it was the issue that he watched through a tempest of which the thunder had not yet ceased nor the lightning disappeared. Athens at last succumbed, after frightful losses and dissensions amongst her citizens, who beheld their powers forfeited and their persons at the mercy of thirty Archons appointed by their enemies for the city, with ten besides for the Piræus.[1] The day of her downfal was regarded as the day of liberation to her tributaries; though the Spartans were, more than they had ever been, the masters of Greece, and likely to be cruel ones.[2] It seemed that the end of Athens, if of no other state or city, was arrived.

There was that, however, in Athens, even when her navy was lost, her armies humbled, and her walls destroyed, which might have filled her wiser children with hopes that a new and a higher glory was but then beginning for them and for their mother-land. The spirit which had animated Solon and Aristides and Æschylus was at its culmination in the mind and life of Socrates. Amongst the shrines of the city, none was, none had been, so honoured as that of

[1] Plut., Lysand., 15. These were, of course, the Thirty Tyrants. Xen. Hell., II. 2, sect. 3 *et seq.*; 3. sect. 2.

[2] As Xenophon says, Πάσης τῆς Ἑλλάδος προστάται, Hell., III. 1. sect. 3. In their treaties with Persia they had sacrificed the Greek cities of Asia. Thucyd., VIII. 18, 37, 58. Their treatment of Elis after the war was horrible. Xen., Hell., II. 2, sect. 25 *et seq.*

Minerva, for whom the olive was planted and the Parthenon was raised; and as if to prove that the Wisdom personified by the blue-eyed goddess was not a fable, like her own existence, the title of the Industrious[1] was given her, and the altars of Modesty and Mercy[2] stood nigh at hand to hers. If these were only names, there was yet a reality behind them which gave Pericles the right to call his Athens the instructress of his country, Greece.[3] Amidst the works which Phidias and his brother artists had left to the eye, and the words which poets, orators, and historians had more lastingly uttered to the ear of man, the day shone with serener light, the festival resounded with more joyous cries, the sacrifice was offered with more trusting pomp, than elsewhere appear to have prevailed.

Yet the number of those who sought a higher knowledge than the multitude obtained was small and always timid. It was easier to give the god a form in marble, or to chant the exploits of the hero, than to break through the distance which lay between the truth as it was and as it was to be disclosed. Some led the way, but there were few to follow; and they who did were not undaunted nor uninjured. Anaxagoras came from Clazomenæ, in his youth, to Athens, before the close of the Persian war. As he grew in years and wisdom, the researches of earlier philo-

[1] Ἐργάνη. Paus., I. 24. "That which was specially received and worshipped as the protecting deity of Athens, was," says Lord Nugent, "perhaps the most splendid of all the pagan conceptions," &c. Lands Classical and Sacred, ch. I.

[2] Ἔλεος and Αἰδώς. Paus., I. 17.

[3] Thucyd., II. 41.

sophers seemed more and more unsatisfactory to account for the things and the beings he beheld. His inspiration to farther advances than they had made may well enough have come from the magnificence and the genius by which he was surrounded in his adopted home; and reasoning, perhaps, from the works of men, he taught that the world, instead of owing its form and life to moisture or any other physical principle, was the result of a Divine Intelligence acting upon a chaos already in existence.[1] He was very far from being faithful, as Socrates is said to have remarked, to his own discovery;[2] but for merely announcing it, he was accused of infidelity to the Athenian religion, and banished, not so much against the consent as is generally thought of his professed friend and patron, Pericles.[3] The Sophists, as they are called, followed; entitled, indeed, to fill the schools with doubts, artifices, and phantoms, after the condemnation of Anaxagoras for having but proposed a more earnest philosophy. A law, bearing the name of Diopithes,[4] forbade the superstitions of the Athenians to be disturbed, under pain, not merely of exile, but of death.

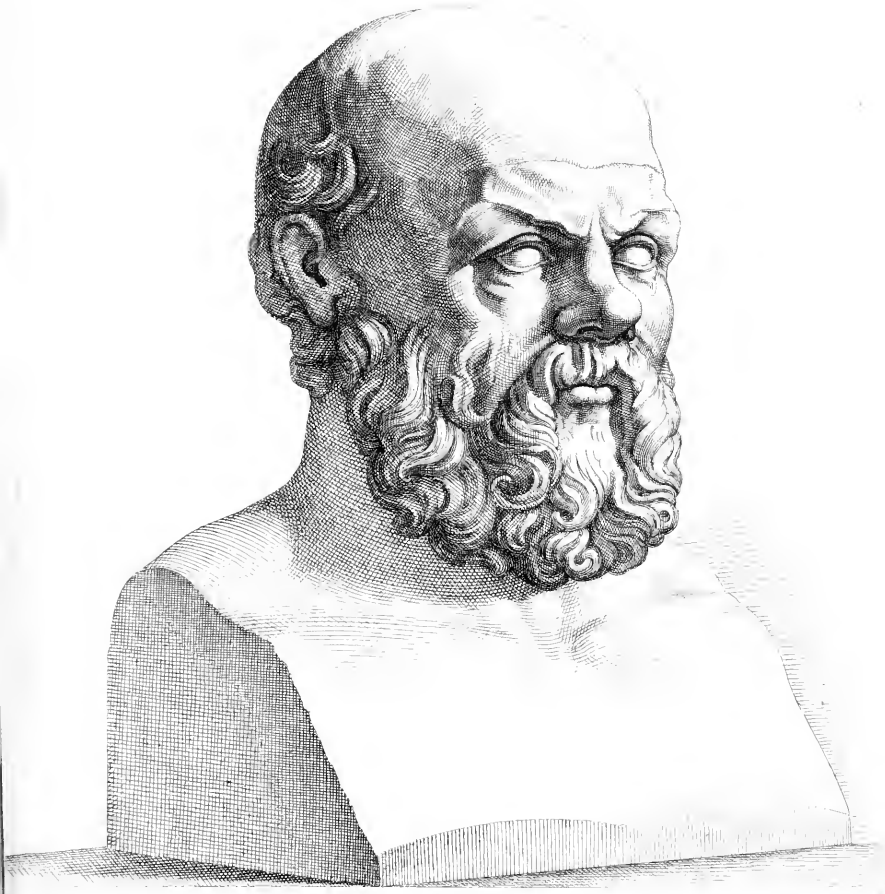
It then remained to be proved whether the fear of death or the hope of truth would triumph amongst men whose minds were scarcely warmed with any

[1] His own words, "pleasant and magnanimous," are thus reported by Diogenes Laertius: — Πάντα χρήματα ἦν ὁμοῦ, εἶτα Νοῦς ἐλθὼν αὐτὰ διεκοσμήσε, "All things were together; then came Intelligence to their disposal." II. 6.

[2] Plat., Phædo.

[3] Plut., Per., 32.

[4] Ibid.



heavenly fire. A son of a poor stone-cutter,[1] released from drudgery in his early, and saved from peril in his maturer, manhood, gave utterance at length to knowledge that had not yet been gained in heathendom. Socrates was a brave warrior and a noble citizen in the service of his country,[2] before he distinguished himself by courage and nobleness, such as his country could neither immediately value nor at any time command. He became the great philosopher of Athens, instructing his pupils in a method of reasoning[3] more accurate than any other yet adopted, and setting new objects[4] before them to which the method might be applied. But it is neither as a philosopher, nor yet as a warrior and a citizen, that the name of Socrates may be taken to crown our retrospect of the better days of liberty in Greece. His philosophy, as such, will be better judged hereafter in the account we shall have to take of his successors, in connexion with the last years of liberty in Rome.

If the measure of liberty be proved, as this history of it maintains, by the measure of the faculties it quickens and the attainments it inspires, as well under the laws of God as under those of man, then there is reason for giving Socrates the palm above

[1] Λιθουργός. Perhaps a sculptor. Diog. Laert., II. 18.

[2] As is testified by his sublime behaviour before the Athenian assembly in favour of some who were unjustly persecuted, and afterwards before the Thirty Tyrants in the defence, again, of an innocent man. See Xen., Mem., IV. 4. 23.

[3] Which Xenophon describes, Mem. cap. VI.

[4] See Cicero's opinions, Acad. II., lib. I. 4; Tusc. Quæst., V. 4; and compare Xen., Mem., IV. 7. 6.

all who were free in ancient times. Nor need his merits be exaggerated in order to prove the blessing that descended upon him, not to make him secure, but to awaken his anxiety and his thoughtfulness. He said things, if we trust the reports of old, of which he could not himself have perceived the full and glorious significance; and when he was discoursing, for the last time, of immortality, he interrupted himself to order the sacrifice of a cock to Æsculapius. It would have been unnatural that he should have been totally spared the errors which lay in ambush amongst men. But though he could not obliterate the stains of the humanity he bore, he washed them partly from his brow in the spring to which his steps were led. Ardent to learn because he knew how much he had to learn, yet humble because he felt how much there was beyond his learning,[1] he called himself the architect of his own philosophy,[2] but confessed that his morality was imparted to him from a spirit with which his higher nature alone obtained communion.[3] Socrates was so entirely above all others as to seem the only one in the heathen universe who heard the voices or beheld the forms of

[1] "Ελεγε δὲ καὶ ἓν μόνον ἀγαθὸν εἶναι, τὴν ἐπιστήμην," He said, too, there was but one great good, namely, knowledge." Diog. Laert., II. 31. So Xen., Mem., III. 9. 5. If the reader have forgotten the account in the Apology of the exertions made by Socrates to find a man wiser than himself, which resulted in his conviction that wisdom was but the humble consciousness of human ignorance, I beg him here to read it in any translation of Plato.

[2] Xen., Conviv., I. 5.

[3] It is in this view that his demon, or, as we should call it, his guardian angel, is to be explained, See Cic., De Div., I. 54 Xen., Mem., I. 1. 4.

Truth. He was a moral man; and his desires reached beyond the freedom of the body under law, or that of the mind under knowledge, to the higher freedom of the soul, which can exist only under morality. Full of earnestness to make this known among men, he confined his instructions neither to school nor class, but sought his pupils in the thoroughfares, the lowly as well as the magnificent amongst his countrymen.[1] In teaching some of the grandest lessons to be learned or practised through liberty, he caught a glimpse of the world to which, not altogether blindfold, he looked forward, and where a place has since been promised to the pure in heart. He was the chosen servant to make one effort, at least, in the preparation of the human mind for the promises of Him who not only beheld the truth, but revealed it to make his followers free.

Had the Greeks been slaves to Persia, Macedonia, or Rome, Socrates would scarcely have been born amongst them; had they, on the other hand, been truer to liberty, he would certainly not have been condemned, like a criminal, to die. The design of his life, however, may have been completed in the manner of his death. The very fact, that he wrote nothing, while other philosophers were allowed to compose each a library, as their works in some cases may be styled, compels us to consider Socrates in a peculiar light. It was permitted that the pall should be a little withdrawn from the prospects that had long been lost, if they had ever been received; but it

[1] Τοῖς βουλομένοις ἐξῆν ἀκούειν. Xen., Mem., i. 1. 10.

was not for man, even with the aid of God, to restore the dead to life, or to begin a new creation. Four centuries before the Saviour, when freedom seemed, perhaps, to have reached its highest development, the promise was made, as we read it, through Socrates, that there was to be a completer freedom granted when human powers should be increased and human virtues purified. He was slain, even though his message was but half delivered, and noways comprehended, when he died.

Later in our history, we shall meet with his successors; but they scarcely belong to the liberty of Greece, except that they owed their intelligence to the energy and the achievements of preceding generations. The history of philosophy is important to the history of freedom, only so far as the theories of which the one is composed coincide with the actions of the other. We hear some fuller sounds, indeed, through the silence of the following centuries; but the ears that heard them in their time found little comfort in their tones. There was no other Socrates[1] to learn, much less to shew, the truth, so far as it can be attained through liberty alone. His own scholars seemed to forget what he had taught them; Plato would not believe it fit to speak of the deity, towards whom he aspired, before common men;[2] and Aristotle denied the possibility of persuading

[1] "We find but one Socrates amongst them," the Athenians. Locke, Reasonableness of Christianity, vol. VII. Works, p. 136.

[2] Plat., Timæus, p. 114, ed. Stallbaum. Cf. Lactant., De Ira, 11.

the multitude to be virtuous.[1] Schools were still opened; but there were few, comparatively speaking, whom they received,[2] fewer still whom they actually informed. Doctrines of one class and another were still propounded; sciences of various kinds were still pursued; but, except in the exact, the mathematical or the physical branches,[3] there was no sap to flow, no foliage to endue. The earth was waiting for knowledge from Heaven.[4]

There remains now nothing that cannot be more rapidly related, within the half or three quarters of a century succeeding to the death of Socrates. It is not necessary to raise our voices or multiply our epithets to describe the offences through which the laws and the liberties of Greece were brought to shame. One kind of evil might infest an oligarchy, as at Sparta, and another kind prey upon a democracy, as at Athens; but there are more general errors to be charged upon the characteristics of the whole nation, as long ago described. The ideality and the rivalry that had hurried state after state, through peace and war, to the acme each was able to attain, still drove them down the other side to the effeminacy and the

[1] Arist., Eth. Nic., x. 10, ed. Bekker. *Τοὺς δὲ πολλοὺς ἀδυνατεῖν πρὸς καλοκἀγαθίαν προτρέψασθαι.*

[2] See the account of Aristotle's work, and the remonstrance of Alexander against its being addressed to common people. Plut., Alex., 7.

[3] In the mention of which there ought to be included an allusion, at least, to the scholars of Alexandria under the Ptolemies.

[4] "I have a desire," writes Hans Christian Andersen, in Greece, "to express the idea that the godlike was here on earth to maintain its contest, that it is thrust backwards, and yet advances again victoriously through all ages." Story of My Life.

dissension in which they were sure to find their ruin.

The Thirty Tyrants were driven out of Athens by the heroic enterprise of Thrasybulus, and the laws of Solon were, the same year, nominally restored, under Euclides, the Archon.[1] But Socrates was condemned within the next four years. The licence of the multitude was at its height in the reaction ensuing upon the servitude and terror from which they had been delivered by leaders whose surrender of Socrates was so much a greater shame than any glory they could have won, that the government of the orator, the satirist, or the buffoon, who presently reigned on the stage or in the assembly, was but precipitated.[2] Aristophanes, with all his amazing genius, is only the mouth-piece of his contemporaries ; sensitive as they to the love of country, inborn in every Athenian, but, like them, insolent where he might have better been reverential, as he was ruthless where it became him to be anxious and compassionate.[3]

Without the limits of Greece, the Ten Thousand retreated from Cunaxa, under Xenophon, whose simple narrative of that extraordinary enterprise

[1] A. C. 403. Plut., Aris., 1.

[2] As for the assembly itself, see Xen., Hel., i. 7. 12, referring to a still earlier date. Its pay was increased by Agyrrhius in the time of Aristophanes. Schömann, Assemb. Athen., ch. v.

[3] See the conversation between Demosthenes, Nicias, and the sausage-seller, in the "Knights" (141 *et seq.*), the abuse of Euripides in the "Frogs," and of Socrates in the "Clouds." Compare an essay by Heyne, Op. Acad., tom. iv. 23,— "Libertatis et æqualitatis civilis in Atheniensium republica delineatin ex Aristophane."

wreathed for him bays that faded in the almost heartless atmosphere of the history he wrote concerning the sorrows of his country. Lysander, the conqueror of Athens, though worshipped for a time at altars as if divine,[1] was losing his renown before the rising energies of the king Agesilaus, in whose campaigns in Asia, against the Persians, the old simplicity and vigour of Sparta appeared to be renewed. He was recalled on account of the peril with which his state was threatened by the league formed against it between Athens, Bœotia, Corinth, Argos, and Thessaly;[2] and for several years, the strength of Greece was again wasted in unnatural contests, whose fatalness was comprehended by the same Agesilaus, when he lamented a Spartan victory as having deprived Greece of too many children.[3] The peace with Persia, of Antalcidas, as it was called, after its Spartan negotiator, was welcome to all the parties to it in Greece, although it left their brethren in Asia at the mercy of the Persian king; many a year having passed and many a generous impulse flown since the Athenians sent over succours, at exceeding hazard, to save the Ionian cities from the necessity of submission.

The symptoms of dissolution were stronger at this period in Sparta than in any other of the Grecian nations. Agesilaus, with all his excellence, had no

[1] Plut., Lys., 18. It was said of him, that two Lysanders could not be borne. Ibid., 19. The same saying was current about Alcibiades. Plut., Alc., 17.

[2] A. C. 394. Diod. Sic., XIV. 82. Xen., Hell., III. 5. 1.

[3] Plut., Ages., 16. Cf. Corn. Nep., Ages., 5.

dignity to match the authority of the Ephors, upon whom the only possible check was violence or else pretended resignation on the part of the other magistrates or the kings. The few Spartans of unmixed blood who remained were in possession of all the power of the state; and in proportion as their numbers lessened, their severities and oppressions towards the inferior classes seem to have been embittered and multiplied. Lysander himself proposed some changes in the constitution, of which the account is not so clear as to furnish nearly all the information that might have been preserved; the most to be ascertained consisting in his resolution to make the royalty, in which he would then have gained a part, elective.[1] A much more alarming conspiracy was set on foot by Cinadon, to murder the Ephors and superior Spartans, in order that the conspirators might obtain the justice which was denied them so long as a single class monopolised the resources and honours of the government. The attempt was discovered and its authors punished before its execution could be begun;[2] but, like the project of Lysander and the policy of Agesilaus, the sedition of Cinadon betrayed the infirmity of institutions on the wane.

The strife between state and state continued; and, at the very moment of increasing feebleness, Sparta involved herself in a contest which was, under the circumstances, the most dangerous she had yet sustained. Thebes, long the head of the separate cities of Bœotia, and often engaged in the wars which have

[1] Plut., Lys., 24, 25, 31. [2] Xen., Hell., III. 3, 4 *et seq.*

been previously mentioned, was suddenly entered by one of the Spartan generals, who seized the citadel, and drove many of the principal citizens into banishment. One of the exiles was Pelopidas, a young, rich, and warm-tempered man, who watched his opportunities and returned, after three or four years, like another Thrasybulus,[1] to expel the Spartan garrison, and set his fellow-citizens at liberty. Successful in his venture, and joined by his friend Epaminondas, a calmer, and, in point of fortune, a poorer man, who had not been exiled,[2] Pelopidas was the giver of a fresh bloom to the counsels and the hopes of Thebes. The Spartans were defeated at the neighbouring Leuctra; Peloponnesus was several times invaded, and Messenia was rescued too late from the meshes of her long dependence upon Sparta. But the spirit of the state which triumphed was scarcely truer to liberty than that of the state which suffered. A treaty was concluded between Thebes and Persia; and the ambition of the Theban leaders rose with their successes of every year,[3] until Pelopidas fell in Thessaly, and Epaminondas, in his fourth invasion of the Peloponnesus, was slain, in victory, at Mantinea. The fall of Thebes was swifter than its rise had been, ten years and more before.

But the Spartans had met with shame and loss, of which their ancestors could never have dreamed, and from which there could be no recovery. Invaded

[1] So says Plutarch, Pel., 12. See Corn. Nep., Pel., 4. It was in A. C. 378. The battle of Leuctra was fought in 371, that of Mantinea in 362.

[2] Plut., Pel., 5. [3] Diod. Sic., xv. 78.

and dismantled without, at the same time that it was divided[1] and reduced[2] within, the state of Lycurgus lingered helpless, until the power of Rome put an end to its protracted agony. Athens was scarcely stronger; her people were few, compared with their slaves and aliens; her armies and fleets were entirely given over to mercenaries; and the changes in her taxes[3] betray the necessities she was obliged more carefully to supply. But the oil was poured upon her wounded limbs by hands like those of Demosthenes, and there was yet, a little while, the hope that her vigour would be restored. The tributary islands that still belonged to the Athenian dominion, and of which the profoundest submission would have been unavailing to the protection of their metropolis, were again become restive under hard government;[4] and when Athens, like most of the Grecian states, was dragged unto the miserable war of Delphi, it seemed as if the last hours of discord and struggle were arrived. The Gladiator in the Capitol, consenting to death, without the wish to live for the liberty he had lost, is the image, but too serene, perhaps, of the nation, that was already bleeding and drooping when Philip came to the throne of Macedonia.

[1] Even by conspiracies, when the Thebans were at hand. Plut., Ages., 32.

[2] We have only to borrow the judgment of Aristotle: Ἀπώλετο διὰ τὴν ὀλιγανθρωπίαν, "The state was lost for want of men." Pol., II. 6. 11. The philosopher says truly, near the same place, that the Spartans perished, after having been powerful, because they knew not how to be at rest. Ibid., II. 6. 22.

[3] See Boeckh, Pol. Econ. Ath., book IV. ch. 9.

[4] Diod. Sic., XVI. 7.

It was to a colony from Argos, settled amongst the wilder people of the North, some centuries before, that the later kings of Macedonia traced their inheritance of a part in the Grecian name. While the states we have left were jostling one another in their race for power and civilisation, the northern kingdom, aloof, comparatively, from their interests, was gradually extending its dominions. The knowledge and the warfare, cast in the restless waters of the South, would often reach, as if in circles, to farther regions; but Macedonia remained possessed of a freshness and vigour that, in the present condition of its neighbours, were formidable to confront or even to behold. Philip, the eighteenth monarch of the Argive line, was placed where he could turn his talents to their uses, under the Providence that had created him ambitious, passionate, and wary. He made himself king, against the superior title of his nephew to the throne; he beat back his barbarian and deceived his civilised adversaries; until, taking advantage of the war about Delphi, he obtained a foremost position in the old Amphictyonic league and the ancient Grecian games.[1] His great ambition was to make himself the master or the leader of Greece, in whose name, and with whose assistance, he then intended to cross the sea and destroy the Persian empire. The Greeks lay almost prostrate in his way.

One man there was, and only one, in whom the freedom of many people and many ages found a de-

[1] Diod. Sic., xvi. 60.

fender: he was Demosthenes. Early a statesman, and earlier still an orator of all-surpassing powers, he, from the beginning of his public career, devoted himself to the protection of his countrymen against their common foe;[1] nor did he falter more than, in such times as his, was unavoidable, even in the noblest purposes of humanity. A few around him were honest, like Phocion; but by these he was too often thwarted and suspected, as by the same Phocion, to be ever cordially encouraged.[2] Others, the larger number of the leading men, were corrupted[3] or indifferent; while the populace with whom the orator had to deal was rather to be baffled than to be trusted. Demosthenes was the last of the great dynasty of orators in Athens, the successor of Lysias and Isocrates, the rival of Æschines; but so much superior to the rest,[4] that their glory merges in his own. Plutarch compares him to Cicero:[5] and whatever were the dissimilarities between the two, in this, at least, they were alike, that their eloquence and their patriotism were insufficient to save the liberties they loved as became their generous minds. Just as, in Rome, the separation of the people and the licentiousness of the rich were more than Cicero could over-

[1] Plut., Dem., 12. Λαβὼν τῆς πολιτείας καλὴν ὑπόθεσιν, τὴν πρὸς Φίλιππον ὑπὲρ τῶν Ἑλλήνων δικαιολογίαν. He was then twenty-nine years old, A. C. 356. See his own magnificent language: Philipp. I., cap. II. *et seq.*, ed Vœmel. This oration was delivered in 352.

[2] Plut., Phoc., 9, 16, 17.

[3] See the oration of Demosthenes, De Corona, cap. 60, *et seq.*

[4] The reader will find a brief and vivid account of Demosthenes in J. A. St. John, Hellenes, book II. chap. 10,—a very readable work on Greece at large.

[5] Plut., Dem., 3.

come; so, in Greece, the dishonesty and the dissension of his countrymen were evils before which Demosthenes was powerless. Faithful, nevertheless, in the midst of faithlessness, and warm in heart to every countryman he had, however coldly they returned his affection, Demosthenes laboured, unwearied, for fourteen years, from the day of his first oration against Philip until the force and the ambition of the Macedonian prevailed against the weaknesses of the Greeks and the exhortations of their almost solitary freeman. The orator fled, at length, before the soldier; the civilised republic yielded to the uncivilised monarchy: and the defeat at Chæronea was the end of liberty in Greece.[1] Philip trampled, intoxicated, upon the corpses with which the battle-field was strewn,[2] and for which, in contrast, the funeral rites were afterwards performed in the house of Demosthenes, who pronounced the eulogy of the slain.[3]

Two years later, Alexander succeeded, at the age of twenty, to the throne which Philip had established upon the mouldering independence of the Greeks. The son, after mourning, as he said, that he should have nothing left him to do, openly derided his father, as unfit to invade the Persian empire,[4] of which he seemed to feel himself to be the destined destroyer. On his succession, some nerveless efforts were made amongst his Grecian subjects to recover their liberties;

[1] A. C. 338. "Hie dies universæ Græciæ et gloriam dominationis et vetustissimam libertatem finivit." Justin., IX. 3.

[2] Plut., Dem., 20.

[3] Demosth., De Coron., cap. 285, 287. Demosthenes lived sixteen years longer, till A. C. 322.

[4] Plut, Alex. Mag., 5, 9.

but one blow from him was enough to strike them down. He had no care for his father's conquests, compared with the hopes, as he called them, for which he turned his back on Greece and Macedonia; and as his power in the East grew with every year, so his ambition increased, as if the mountain-height were sought and gained only in order to behold how much of the world there yet remained unreached. The career to which Alexander was called could not have been intended to bring the East and the West together, or it would not so soon have been succeeded by the conflicts and the despoliations of his inheritors. But it may have been ordered that the Eastern world should be assailed in such way as to spare the strength of Rome, upon whose conquests was to devolve the general humiliation of antiquity.

CHAPTER VII.

THE JEWS.

"In the division of the earth, He set a ruler over every people; but Israel is the Lord's portion."—*Ecclesiasticus*, xvii. 17.

THE cloudy pillar which moved before the Hebrew fugitives from Egypt was, perhaps, in tint, in depth, and even in form, like the vapours or the thicker gatherings familiar to their skies; but there never had been, and never was again, another cloud that blazed with fire through the night, nor ever another whose way across the heavens was similarly commanded and similarly followed. It was like an edge of the Divine garment, which men, the very blindest, could behold, and the very stubbornest stoop to touch or to adore. Yet other glimpses of Omnipresence are, to us at least, as clearly revealed amongst the most ancient nations and in the farthest lands; and it is necessary, in the outset, to deny that the Jewish people was the only one in antiquity whom God visited, or that its temperament, its composition, and its destiny were so utterly distinct from those of universal humanity, as to make it, on its own account, the holy nation[1] concerning which Moses was informed at Sinai. The peculiarity of the Jews consisted in the

[1] Exodus, xix. 6.

revelation they received. Without it, they would have been shepherds, slaves, or scourges upon the earth; faithful to it, they were independent; faithless to it, they were conquered; and for it, they were twice recalled from bondage.[1] Like other ancient nations, they, too, were as a cloudy pillar; and it was the night of heathenism that changed them, as it were, to the shining light which has since been dimmed by Christian days.

A time there may have been, as once before observed, when the creature remembered and worshipped the Creator. But the truth of the earliest ages became a dim and fearful memory in those which witnessed the guiltiness and the fall of man. Here and there, the dew and the small rain were found upon herbs more tender than the rest; and many a sterile place was visited from above with fruitful seasons, of which the abundance yet remains in witness of the Mercy that was and is the same for ever. The early history of the Jews was filled with holy memories. It extended back to a golden age, not here meaning that in which Eden reechoed with morning and evening songs, but to times when the intercourse between God and men was open and continual.

The worship of the Deity, denied to the rest of mankind, thus lingered amongst the Hebrew Patriarchs, whose simple lives upon the plains where

[1] As Bossuet observes:—"Un peuple dont la bonne ou la mauvaise fortune dépendit de la piété." Hist. Univ., ptie. II. ch. 1. So Proverbs, XIV. 34.

Abraham ministered to angels and Jacob dreamed of Heaven were favourable to the preservation of the faith committed to their charge. Their birthright, more precious than any other of humanity, was transmitted from father to son through centuries and generations that are no longer to be numbered; and any disposition which might have been shewn amongst the favoured line to wander after the idols and the occupations of other nations was long restrained. But it was not then, any more than it now is, possible for truth to be maintained on earth, without some sacrifice in return from those to whom it was mercifully confided. The faithfulness of the Patriarchs was first tried; their people, with whom faith was not equally habitual, though even more necessary, being then subjected to a longer ordeal. Years, rolling by, bring out the herdsmen of Canaan as a horde of Egyptian slaves, who, though yet professing, through their elders,[1] the faith of their fathers, were so weighed down by chains and hardships, that the only human beings with whom the light yet lingered seemed powerless to shield it against gusts or even breaths of contrary air.

A lonely and a stricken man was keeping the flocks of his father-in-law in the deserts bordering upon Horeb and Sinai. To these spots, barren of fruits or springs, and hidden amongst mountains of sandy sides and awful peaks, Moses had fled from Egypt, embittered by the injustice of oppressors and

[1] Exodus, III. 16.

the unkindness of brethren.[1] It was to this saddened spirit and in these forbidding scenes that the words from the bush, which burned with fire, yet was not consumed, were uttered:—I AM THAT I AM: THE LORD GOD OF YOUR FATHERS: THIS IS MY NAME FOR EVER.[2] The herdsman hid his face, and would have shut his ears; but the miraculous proofs with which the voice he could not hush and the flame he could not quench were accompanied, compelled him, not only to believe, himself, but to return to his countrymen in bondage, that their fainting faith, like his, might be revivified. The message he carried on his lips and in his heart was the repeated revelation of the unity and the eternity of Almighty God.

The visions opened through the words which Moses heard near Horeb have since been cleared of much of the uncertainty by which, to his eyes, they must have been obscured. All that can make man happy upon earth and bear him rejoicing up to Heaven has its beginning and its end in the worship of his Creator. On this depends whatever he can do for himself through liberty, as well as whatever is done for him through religion; and so far as it became the faith and the practice of the Jews, we can seek amongst them the germs that have not yet been made to bloom with the life and the fruitfulness of which they are susceptible. The development of liberty is secondary, so to speak, to the revelation of religion, and the wisdom to be pure and humble must

[1] Exodus, II. 11-15. [2] Ibid., III. 14, 15.

precede the strength to be great and free; but wherever faith is given through the one, power will, through the other, sooner or later succeed. It is in this view that we may propose to investigate the liberty of the Jews.

The two great principles upon which all liberty as well as all religion relies, are the common origin of man and the common government of God.

The first of these was repeatedly imparted, at various seasons, to the Jews. Their traditions, like those of many another people, bore witness to the individual spared with his family, in order that mankind might be preserved from the condemnation otherwise universal; and the bow then set in the cloud above the faithful Noah, was in token of a covenant to all flesh upon the earth.[1] Another covenant with Abraham,[2] and the still later declaration of Moses,[3] proclaimed the same truth, — that, though one branch after another might wither and fall into error, the stock was always common to the sound and to the decayed. But instead of following the truth of human brotherhood, which was thus again and again disclosed, the Jews were overweighed by the extension of the chain, and would have supported only the links that bound themselves.

It fared the same with the second principle, concerning the universal government of God. No people could have more literally believed that in the Deity they had their judge, their lawgiver, and their king;[4]

[1] Genesis, IX. 13, 17.
[2] Ibid., XVII. 2, 4.
[3] Numbers, XV. 16.
[4] Isaiah, XXXIII. 22.

none could have paid their homage to a mortal monarch with more devotion or greater splendour than they worshipped Him who made their sanctuary His dwelling,[1] and by whom their separate interests of every day were as much regulated as their doctrines or their national destinies.[2] Yet the Divine government was obeyed only because visible in outward and miraculous appearances; and in such a spirit that, could its subjects have had their will, it would have been confined for ever to themselves, within the limits of their own Judea.

Neither, therefore, of the principles defined as the foundation both of liberty and of religion was developed to its full proportions among the Jews. It is this, indeed, that reduces the nation commonly arrayed in holiday attire, and portrayed as keeping with serious zeal the festivals of their faith or the injunctions of their laws, more nearly to the level of the toiling and the tempted races which dwelt with them upon the earth. Yet there were men amongst them to stand upon the mountains through their lives, and to assist their people at times to ascend them like-

[1] Exodus, xxv. 8.

[2] The striking testimony of the great Pagan historian is true:—"Non regibus hæc adulatio, non Cæsaribus honor." Tacit., Hist., v. 5. The theocracy of the Jews is the one undisputed point in history. "Deus profecto erat Rex Israelitarum." Jahn, Arch. Bibl., sect. 219. "Non tantum generali providentia, sed speciali imperio, gentem Judaicam regeri et moderari." Spencer, Dissert. de Theoc. Jud., De Legg. Hebræor., cap. v. sect. 1. "Wherever the Israelite turned, he was reminded," says one of their descendants, "of the presence of his God and of his king. His king was in heaven; his God was on earth." D'Israeli, Genius of Judaism, p. 35.

wise; these times and these men, therefore, are for us, if we may, to follow.

Moses returned from Horeb to communicate[1] the revelation he had received to his countrymen, and to lead them forth from bondage. Had the people of the earth known what was passing, they would have ceased from labours and wars, to watch, on bended knees, the wanderings of the Israelites through Egypt and across the desert sands. But it was in solitudes, unseen by human eyes and uncheered by human prayers, that the band of slaves was saved from their pursuers and brought into the wilderness which still separated them from the homes whither they were called.

It sometimes seems as if they were not altogether unconscious of the magnitude of the service in which they were engaged. After those hours of dreadful terror and alarming deliverance in which the fugitives walked upon dry land in the midst of the sea, and were led in safety to the other shore, while their pursuers were overwhelmed in the waves, it was Moses who first sang a "song unto the Lord."[2] But there were none, apparently, who did not join with him in his thanksgiving, and even the women went out with timbrels and with dances to swell the praise which had never before, if we are informed aright, arisen from so many voices upon the earth. The form of Miriam, the prophetess, as she led the Hebrew women in celebrating the more than mortal

[1] In language how earnest and how solemn! See Exodus, vi. 2—8.

[2] Exodus, xv. 1 *et seq.*

triumph that had been achieved, is the image which an artist might choose in order to represent the characteristics of her people. The timbrel, the dance, and the song, are not the only features in the scene we seem to see in her; there are the flashing eyes, the inspired voice, and the impulsive aspiration towards the Power by which the wondering people had been, and were again and again preserved. Yet, to complete the picture, the pride and the punishment of Miriam[1] should be shaded in the darker background.

The course by day and the encampment by night soon became the objects of chief concern to the wanderers from the Red Sea; and though they did not yet prove faithless, it was more than they were able to comprehend, that they should continue in the midst of perils and sufferings. Now, they would return whence they came; anon, they were "almost ready," run the touching words,[2] to stone their leader for his fidelity; and the fall of manna and the stream from the rock seemed rather leading them to ruin than to salvation. But the time was come when the people, whose resolution was not so deficient as their knowledge, were to be brought under more intelligible subjection to their and their fathers' God. The uncertainty under which they laboured forward and wavered backward in the wilderness, was dissipated by the thunders, the lightnings, the thick cloud, and the voice of the trumpet, exceeding loud, from Sinai.

Moses descended from the mountain with the com-

[1] See Numbers, ch. xii. [2] Exodus, xvii. 4.

mandments of fear towards God and justice towards man and was believed. He went up a second time, and, after forty days and nights of seclusion, reappeared with the tables upon which the commandments were engraved, to find the people naked and sacrificing to a molten calf. Casting, with instant determination, the tables from his hands, he called to his side all who would yet be true; and when the Levites alone obeyed his summons, he ordered them to fall upon their faithless countrymen. As soon, however, as the people repented, he promised his intercession; and while they waited, anxious to learn the punishment they had to bear, Moses "returned unto the Lord," and prayed for their forgiveness. He then ascended Sinai for the third time, and on his return, with the tables engraved anew, the tabernacle was prepared by the rejoicing nation to receive them and the Glory by which they were visibly sanctified.

These familiar events are recounted only to explain the relations between Moses and his followers. Of ordinary appearance, it would seem, and without the least pretensions on his own part to extraordinary personal power,[1] this wonderful man, though always respected and almost always obeyed, employed his authority as humbly as if he had been a child, instead of a ruler amongst his countrymen. He not only knew,

[1] Josephus says, "He was of agreeable presence, and very able to persuade the people." Antiq. III. 1. 4. So in III. 15. 3: "This man was admirable for his virtue, and powerful in making men give credit to what he believed." Whiston's transl. Cf. a fragment from Artabanus in Cory's Anec. Fragments, p. 190.

but confessed, his dependence, rather than allow his people to be deceived in thinking they owed their deliverance from any difficulty to him. When, for instance, they were lamenting the days in which they had sat by the flesh-pots and eaten the bread of Egypt to the full, and at the same time were reproaching Moses and Aaron for having led them into the wilderness, Moses, while assuring them of protection, asked, "What are we, that ye murmur against us?"[1] The humblest man who drank the water from the rock, or watched with awe the form retiring high up within the mountain-cloud, was not so meek or so unambitious as his leader, to whom such powers were given and such visions shewn. But it is plain that the Jews were held under restraint, and that the exercise of the power above them was, humanly speaking, in Moses's hands.[2]

None knew better than Moses, however, that the worship of the true God could not be the offering of a race which was either enslaved or barbarous. Even before arriving at Sinai, he began to teach the people the work they had to do, themselves, by selecting some "able men, such as fear God," to act as judges in the cases to which he could not personally attend.[3] Another body was afterwards formed, of "seventy men of the elders of Israel," to whom still weightier offices were committed;[4] the right of appeal to Moses,

[1] Exodus, xvi. 7.

[2] "And he was king in Jeshurun." Deut. xxxiii. 5.

[3] Exod., xviii. 13—26. Deut. i. 12—17.

[4] Numb., xi. 16—17, 24, 25. Cf. Deut., xvi. 18. It is here that the origin of the Sanhedrim is sometimes supposed to be discoverable; but the more probable opinion

and in after times to the priests, being preserved. The institution of the priesthood soon succeeded to that of the judicial magistracies. Aaron and his sons had long been set apart to conduct the ceremonies at first required from the people; but as these increased in number and in solemnity, the Levites, the tribe which had taken Moses's side against the others, were chosen to perform the sacrifice and attendance which the sanctuary required; but in such inferiority were they placed with regard to the family of Aaron, that a sedition shortly arose amongst some of them, ambitious of higher honours. The preeminence of the original priesthood was preserved by dreadful visitations upon their opponents;[1] while the Levites became, in time, as much a civil[2] as an ecclesiastical body in the nation. They and the superior priests were both provided with support from public contributions,[3] but were also expressly excluded from any part in the promised land, lest they should

refers the institution to the period following the Captivity. Jennings's Lectures on the Jewish Antiquities, book I. ch. i.

[1] See Numbers, ch. xvi.

[2] "Besides the officiating priesthood, the Levitical class furnished the greater number of the judges, the scribes, the genealogists and registers of the tribes, the keepers of the records, the geometricians, the superintendents of weights and measures; and Michaelis thinks, from the judgment in cases of leprosy being assigned to them, the physicians." Milman, Hist. of Jews, book III. Michaelis further thinks the Levites resemble the Mandarins. Laws of Moses, vol. I. art. 42, Smith's transl.

[3] Numbers, ch. xviii. "All the tenth in Israel;" ibid., 21. Out of this tithe which was paid to the Levites, a tithe was by them paid to the priests. Ibid., 26—28. "Il existait," says Pastoret of the priesthood, "comme une fiscalité religieuse, dont le peuple entier était tributaire." Législ. des Hébreux, ch. xvi.

become too wealthy or too powerful.[1] In connection with certain powers of jurisdiction[2] which the Levites possessed, they were appointed to the charge of six cities for refuge[3] in the land to which they were journeying, where any one who killed a person unawares was to find protection against the ferocity with which he was sure of being pursued.[4] The priesthood as thus appointed to serve, rather than to rule, the people.

Before these various offices, ecclesiastical and civil, appear to have been entirely established, the nation generally was classified and organised. The mass, as it must at first be styled, though it gradually became the great assembly of the people, was their Congregation, in which the divisions of Tribes and the subdivisions of Families were comprised. At the head of each of these bodies were chiefs whose titles are variously given as Fathers of Families, Heads, Elders, and Princes; of whom the highest in rank were the Princes of the Tribes, one to each of the twelve.[5]

[1] Numbers, ch. xviii. Cf. Deut., ch. xiv.

[2] Especially in cases of homicide, when the murderer was undiscovered. Deut., xxi. 5.

[3] Numbers, xxxv. 10—15.

[4] See what was thus to be avoided, Judges, viii. 18 — 21. The principle of life for life prevailed far and wide in antiquity. In Athens, a lance was placed on the grave of a murdered man, in sign of the revenge it was the duty of the surviving relations to take upon the murderer. Pastoret, Hist. des Législ., tom. vi. p. 111. The slave's murder was avenged by his master. Hermann, Pol. Ant. sect. 104, note 5. One of Lysias's orations (Cont. Agorat.) contains the singular story of a dying man who besought his wife, then pregnant, to bid his son, if one were born after him, to revenge his assassination.

[5] The divisions may be more precisely sketched, with their chief personages, as follows: 1. The twelve tribes, each with its Prince

To these, as so many representatives, apparently, was committed the authority considered as belonging to the people, in contrast with the sacred charges of the priests and the almost equally sacred duties of the judges or elders. As time rolled on, and the popular part in the institutions of Moses was extended by wars and disorderly habits, the princes and the congregation met together more frequently, and used more regularly the powers, always moderate, that they had originally received.[1]

It was beyond the power of the great man whose cares we are but attempting to review, to change the characteristic qualities of his people; but it became his object, as it proved his glory, to nurture the growth from these primary seeds in such a manner as should secure the ripening and the gathering of the fruit he laboured for, at last. He sought, especially, to maintain the nation in independence and peace within itself. The territory of the promised

and its Captain. 2. The Families (Ewald says twelve to each tribe), which were apparently like the Athenian Fraternities ("families of the sons of Joseph"), and which were again subdivided into bodies corresponding, possibly, with the Athenian Names ("families of the children of Gilead, the son of Machir, the son of Manasseh"). The Chiefs of the Families were called the Chief Fathers of the Families, in contradistinction to the Princes of the Tribes, who were styled the Chief Fathers of the Children of Israel: but the family chieftains are also called Heads, Princes, and Elders. Perhaps the Head was the Chief of the lesser, and the Elder or Prince of the greater Family. See Numbers, ch. II. XXVI. and XXXVI., and consult Ewald's Alterthümer, &c., pp. 253 *et seq.*, as well as his Geschichte des Volkes Israel, vol. I. pp. 411 *et seq.*

[1] Jahn observes concerning the government of the later princes: "De singulari populi mandato nullum occurrit vestigium; decreta vero sua populo præponebant ut consensa rata haberentur." Arch. Bibl., sect. 218.

land was ordered to be equally divided by lot, according to the number of names,[1] each portion being declared beforehand to be inalienable,[2] under the solemn sanction of the Almighty. But as it was in the common course of things that many should become restless or impoverished, so that the land of the father would be lost or abandoned by the son, an additional provision was made to secure the universal prosperity which Moses would have rendered perpetual. Each fiftieth year was hallowed as a Jubilee, in which the liberty denoted by the original word[3] was to be proclaimed throughout the land, in order that every one might return to his possession and his family.[4] The old home was given back to its wilful or indigent inheritor; the parent or the child was redeemed from slavery; and they who had lived a life of despair were awakened to hope and to rejoicings. This was to insure the safety of the household; the well-being of the individual was still more carefully defended. Usury was prohibited;[5] and the pledges for borrowed money were, in certain instances at least, to be restored at sundown of the same day on which they had been conveyed.[6] Every seventh year was appointed as the Lord's Release, when the obligations of the debtor should be discharged or his bondage ended.[7] Even during the time of his confinement, he was watched by the laws

[1] Numbers, xxvi. 53—56.

[2] Levit., xxv. 23.

[3] "Which name," says Josephus, "denotes liberty." Ant., iii. 13. 3.

[4] Levit., xxv. 10.

[5] Exodus, xxii. 25. Cf. Levit., xxv. 35—37.

[6] Exod., xxii. 26.

[7] Deut., xv. 1, 2.

with continual solicitude,[1] and at the moment of his liberation, he was not left to be sent away unprovided, but the flock, the floor, and the wine-press were all commanded to be used in supplying his necessities.[2] If slavery were contracted from other motives, if the offender were sold in punishment of crimes, or the weak and the defenceless were dragged into bonds, they were to be set free, as brethren over whom it did not befit the more fortunate to rule.[3]

Besides these general precautions to make disorder and revolution impossible, the laws which are to be read in almost any chapter of Deuteronomy, concerning police and health and private habits, were to the same effect as if each man of the holy nation were to be separately protected and separately governed. The penal statutes, so severe that death and horrid torture were common punishments, were devised to preserve the law, and the worship to which the law was subordinate, unalterable. "What thing soever I command you," are the words in the Scripture, as of the lawgiver, "observe to do it; thou shalt not add thereto nor diminish from it."[4] It was meant, undoubtedly, that "the holy people unto the Lord,"[5] as the Jews were called, should be as much restrained against outbreak or vicissitude as against any tyranny or oppression.

[1] Exod., xxi. 2—9.

[2] Deut., xv. 12—15. Levit., xxv. 39—43.

[3] Levit. xxv. 44—46. So ver. 17. See Jahn, Arch. Bibl., for the various causes of slavery, sect, 169—172.

[4] Deut. xii. 32. Read on in the following chapter, to see the same design.

[5] Deut., vii. 6. See Ewald, Alterthümer des Volkes Israel, pp. 237, 238.

In both cases, the laws of Moses were designed to act prospectively. He laid aside his own authority, enrolled his sons amongst the inferior ranks of the priesthood,[1] and for himself in all respects had no mind to be great in the eyes which looked up to him amongst men. But for his legislation, on which he believed the salvation of his fellow-creatures and the glory of his Creator to depend, he seemed determined to make it applicable, not only to the wants of his own age, but to the progress and the piety of his posterity.[2] His laws, indeed, were for all the people,[3] undivided and undistinguished, further than by the simple ranks and offices before described. But there was no power in the people to reject, any more than there had been knowledge amongst them to desire or spirit to claim, the institutions he gave them under God. It may be said more confidently, as a matter of faith, if not of history, that the Jews were formed to feel their utter feebleness whenever they transgressed; but that, in their better days, they were

[1] 1 Chron., xxiii. 14.

[2] "And truly Moses gave them all these precepts, being such as were observed during his own lifetime. But, though he lived now in the wilderness, yet did he make provision how they might observe the same laws when they should have taken the land of Canaan." Joseph., Ant., iii. 12. 3.

[3] "Ye stand this day, all of you, before the Lord your God; your captains of your tribes, your elders and your officers, with all the men of Israel, your little ones, your wives, and thy stranger that is within thy camp, from the hewer of thy wood unto the drawer of thy water: that thou shouldest enter into covenant with the Lord thy God. . . . . Neither with you only do I make this covenant; . . . . . but with him that is not here with us this day." See the whole Chapter xxix. of Deuteronomy.

taught as a people to feel their strength, and to guard their independence against any merely human authority.

The life of Moses is the heart of all Hebrew history. Through him, the religion of his nation was unfolded as clearly as it was permitted to be disclosed by man; and through him, also, the power to fulfil the commands and complete the hopes of faith was supplied with abundant means of exercise in freedom. The liberty of the Jews must be measured by a separate standard from that of other people. They claimed no rights of election, and sought no offices of government; content, as they were, in the belief that the authority they obeyed was Divine, and that the priest or the prophet, on the earth, was the chosen servant of God. The circumstances, besides, of their escape from Egypt and their settlement in the promised land, were not of a kind to set their ambition free to aim at any political advantages. They were not only more than occupied with the cares of labour, warfare, and worship, but the toils and the sacrifices they beheld in the persons of their leaders were not so tempting that they would themselves desire to exchange for these the selfish and boisterous enjoyments they undoubtedly found in their humbler lives. The faith, moreover, that they professed was hostile to sedition or to revolution; and there were few who would not join with Moses in his psalm[1] to implore the glory of the Lord sooner than exalt any name of man. Moses

[1] The ninetieth in our collection is ascribed to him.

died while this spirit was yet alive amongst his people.[1]

Seven years after his death, the promises of many centuries were fulfilled, and there failed not aught of any good thing which the Lord had spoken unto the house of Israel; all came to pass.[2] Joshua, to whom the charge of the people was committed by Moses in his last days, led them to their conquests and their habitations, as he had been commanded; but the power of the prophet does not appear to have descended to the warrior. One of the early narratives, following the invasion of Canaan, describes Joshua in consultation with princes, and, as he grew old, he called all Israel together to hear his counsels.[3] Active service against their enemies might naturally give the people, without their demanding it, an ampler portion in the management of their common interests. With any other nation, the change from wanderers in the desert to conquerors of an abundant land would have been too great to be consistent with the character or even with the safety of their earlier institutions; but such had been the providence of Moses in

[1] See the last two chapters of Deuteronomy. Josephus professes to record the dying instructions of Moses to his countrymen :—"May you be a laborious people, and exercise yourselves in virtuous actions, and thereby possess and inherit the land without wars, while neither any foreigners make war upon it, and so afflict you, nor any internal sedition seize upon it, whereby you may do things that are contrary to your fathers, and so lose the laws which they have established." Ant., IV. 8. 41. Whiston's translation.

[2] Joshua, XXI. 43—45.

[3] Joshua, IX. 15, *et seq.*, XXIII. 2, XXIV. 1. Jahn calls this assembly the "Comitia Generalia." Arch. Bibl., 216, 218.

relation to the trials and the destinies of his race, that their years of warfare and settlement were passed without departure from their still sovereign laws. The fullest directions, even, had been prepared concerning the conduct of the battles into which the Lord their God would go with them against their enemies;[1] and when the fields, flowing with milk and honey, were overrun, and the towns, defended by spears and slings, were smitten or burned, the law was still active in appointing the rules by which the twelve tribes should divide the long-desired territory.

All that such a people could desire was theirs. The country in which they dwelt was beautiful; the air they breathed serene; and the soil so exuberant, that every one could have his home with vines and fig-trees. Each week ended with the rest of the Sabbath; each period of the year was hallowed by its festival about the holy tabernacle. In spring, the Passover preserved the memory of the national deliverance from bondage; in early summer, the ripened harvest was acknowledged in the thanksgivings of Pentecost, the memorial, also, of the laws from Sinai, their harvest of every day as well as every year; and once again, in autumn, at the feast of the Tabernacles, the booths raised round the tabernacle for seven days brought back the times when their fathers were in the wilderness. In the midst of rejoicing,

[1] Deut., xx. 4. See the chapter itself for the principles it contains of warfare. Cf., for some of the horrors, Numbers, xxxi. 9—18; Deut., vii. 2; Joshua, vi. 21, x. 39, 40.

order, and union throughout a peaceful land, the eyes of Joshua were closed, and the century which well may bear the name of Moses was ended.

A new age of longer duration and more varied character succeeded, in which both the religion and the liberty of the Jews seem to have followed the same general course of culmination and decline that we have observed amongst other ancient nations. It is apparent without a word of explanation, that a people, thrown in, as it were, amongst the struggling and the idolatrous races of the ancient world, required some sort of separation from the rest, in order that the truth, of which it was the casket, should be unscathed by the burning sins to whose contact it was necessarily exposed. It is not so apparent, but equally true, that the isolation of heart which became a duty with the Jews, clenching against the stranger[1] and the bondman the hand that was opened wide to the brother, would impair at last the only superstructure possible to the laws of fear and justice. These, indeed, were too narrow foundations, compared with those that have since been laid, to be still further reduced by misconceptions of their design, and yet be able to bear the weight of years. Another consequence, stranger still, ensued; and the

[1] See Levit., xxv. 44, *et seq.*; Deut., xv. 3, 7, 11, xxiii. 20. Numbers, xxxv. 15, will explain what is meant by "stranger." Our word would signify *sojourner* to the Jews, whose "strangers" were properly the heathen, but sometimes slaves, more rarely proselytes. Cf. Exod., xii. 49; 2 Chron. ii. 17. 18. It was not, however, for want of laws that the common charities of life were neglected towards those of different blood and faith. See Deut., x. 18, 19, xiv. 28, 29.

people, who began by excluding other nations from the pale of their own privileges and sympathies, went on to imitate the vices of life and the falsehoods of religion by which they chose, as it were, because they never sought to remove them, to be environed. The institutions that had recourse at first to exclusiveness for protection,[1] were found, in after years, to have lost their hold upon the very nation to which they had been delivered.

The conquest of Canaan was not completed without calamities. Defeats would happen as well as victories, and the corn-fields, newly won, would be often wasted by the armies of the ejected or the neighbouring people. Separate tribes engaged in separate hostilities; and it more than once occurred, that one or two of them yielded, for a time, to the arms, or, what was worse, to the idolatries of their enemies. The nation was largely reduced in numbers,[2] and greatly embittered, of course, in spirit; but the worst marks upon their character were those of which they were susceptible to an extreme degree, as a stubborn and passionate race themselves. War began to be sought for love of land or blood; and the wildest fanaticism displaced the calmer, or at least the more dogged, faith in which their fathers, even if they

[1] "For wherein," asked Moses, "shall it be known here that I and Thy people have found grace in Thy sight? Is it not that Thou goest with us? So shall we be separated, I and Thy people, from all the people that are upon the face of the earth." Exod., xxxiii. 16.

[2] From 600,000 "men of war" under Moses to 400,000 under the Judges; the second census having been taken about fifty years after the first. Numbers, xxvi. Judges, xx. 2.

wavered, had died. The glimpse of Boaz and his reapers[1] is a solitary picture of the labour and the simplicity that might yet survive in the midst of warfare.

A truer representative, however, of the rude and dissolute habits of the generations following Joshua would be found in the hero Samson, whose exploits seem to have been unusual, only because of the gigantic strength by which they were achieved. He was one of the deliverers, or judges,[2] appointed from time to time to lead the nation or the tribe in battle, rather than to exercise the civil authority consistent with the second name they bore. Unless the judge, indeed, were also a priest, he had no power to interpret the law; and there are long intervals during which none appear at all, until some alarm of sedition or invasion required the appointment of a champion to do the work of deliverance. Throughout these rugged and perilous times, authority was generally in the hands of the elders, the princes, and especially the priests, according to the classifications previously enumerated. The people, or the chiefs among them, were of course relieved from much supervision by the departure of such a man as Joshua, much more by that of Moses; still it does not appear that any change in their rights or privileges politically[3] occurred, but rather, only, that those they had were oftener exercised. The judge was the popular chief-

[1] "Boaz came and said unto the reapers, The Lord be with you! And they answered him, The Lord bless thee!" Ruth, II. 4.

[2] Judges, II. 16, III. 9.

[3] See the account of the assembly, Judges, XX. 1—11.

tain; yet the lesson taught in the laws was not forgotten, and obedience to the earthly ruler was still regarded as submission to Jehovah. An artful leader, it seems, might then have become the tyrant of the pious or the superstitious nation; but it is a proof of their free spirit, that, though often erring and often humbled in these years of warfare, they were not enslaved.

An hour which Moses had foreseen arrived at last. Aware, apparently, that the people, or their posterity, whom he left behind, were too restless to persevere in the ways of their religion or the simple institutions of their government, he is reputed to have composed some ordinances concerning the future monarch, in order that the change thus long prepared might be too easy, at length, to shake the principles, or even the forms, on which the work of his hands and of his heart was founded. One "whom the Lord their God should choose" was then to be appointed king; and as the choice of the new ruler was made independent of the merely popular will, so, on the other hand, he was himself enjoined to keep the laws inviolate, and forbidden to "lift his heart above his brethren."[1] The elders, as is well remembered, came to Samuel, the venerable priest and judge, who was at that time governing the nation with his sons. "Behold, thou art old," said the elders, "and thy sons walk not in thy ways: now make us a king to judge us like all the nations." The old judge was displeased, perhaps regretting his own loss of authority, but more pro-

[1] Deut. xvii. 14—20.

bably persuaded that the nation was rejecting the government of God in seeking an earthly sovereign. Foretelling with unavailing earnestness the sorrows that would be brought upon his race through its monarchs, Samuel was interrupted by the people, who were gathered round him:—"Nay; but we will have a king over us; that we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles."[1] Such were the demands on the one hand, in contradiction to the forebodings on the other; the fulfilment of both being still to be read in the election of Saul, and in his lurid reign, which seems like flame enkindled in a broken forest.

Samuel was again employed to anoint a successor to the yet living, but unfaithful, monarch on whom his first choice had singularly fallen. The boy who kept his father's sheep grew up through battles and persecutions, while Saul declined in piety and in authority; and when David came to the throne, at last, it was as though the better spirit amongst his race had triumphed over the iniquities which lay in wait against its safety. The character of David hardly seems to be that of a single individual, so widely does it expand with graces, temptations, abilities, and errors. Its lighter and its darker lines describe, on one side, the failings to which the national character was exposed, and, on the other, the powers with which it was, at any time, endowed; in such comprehensiveness, indeed, that he who seeks

[1] See chapter VIII. of 1 Samuel.

to understand the history of the Jews, whether in respect to their freedom or their faith, will always retrace the devotion, the wisdom, and, it must needs be added, the passion, which mark the psalmist, the monarch, and the erring man.

No greater bravery, no higher intellect, no deeper piety, than David's were animated in all antiquity. The Christian repeats the longings, the praises, and the prayers that came from him, as he feared, confided, obeyed, inquired, and implored. The scholar finds in his poetry the beacon-fires which shine from the wide and the fervid mind alone; and the child exults in the gallantry which laid Goliath prostrate, and spared the cruel Saul when bloodshed was more natural than mercy. One of the happier hours which David knew—happier though in the midst of perils, as it seems, by which the shepherd was beset before he became the king—gave life to the psalm that, more than any other, describes the greatness and the goodness of its author:—

"The Lord is my shepherd; I shall not want.
He maketh me to lie down in green pastures;
He leadeth me beside the still waters.
He restoreth my soul;
He leadeth me in righteous paths
For His name's sake.
Though I walk through the valley of the shadow of death,
I fear no evil; for Thou art with me;
Thy rod and Thy staff they comfort me.
Thou preparest a table before me
In the presence of mine enemies;
Thou anointest my head with oil,
My cup runneth over.
Surely goodness and mercy shall follow me, all the days of my life,
And I will dwell in the house of the Lord for ever."

It is not the author only who is perceived in such a psalm. The crowds which heard it, repeated it, and treasured it for themselves, are beheld upon their knees, with clasped hands and upturned eyes; and though we cannot read their hearts, it does not appear to have been in vain that the Lord vouchsafed to be the shepherd of the flock in Palestine. In the same manner, the intellectual and the physical characteristics of David are seen to be reflected from the people whom he ruled.

This view of David's character may be extended farther, in more direct illustration of the principle to which this history is devoted; for, in the absence of any other instances as clear, we may return to him, to his rise from a low estate, and to his grandeur of spirit, in seeking after the traces of Jewish liberty. None would presume to doubt that the strong influences he obeyed were those of the religion rather than of the freedom of his country; but without changing our view of the faith he professed in God, or detracting in any degree from the full measure of inspiration he thence derived, it will not be thought a misplaced reflection, that he would not have been what he was under a despotism or amongst a degraded people. Nor is there any contradiction to be raised from the fact that David was a monarch, and therefore able to engross the liberty of his nation, which could itself still be oppressed beneath him. His highest powers appear to have been exerted in the season of his humility and peril; without which, indeed, he would never have attained to any thing more

than a temporal grandeur. It is true that he was a great king; but it was because his people were elevated as well as he: he seemed, indeed, to have brought a blessing upon them. The territories of the nation were extended; the old institutions of the desert were partially remodelled[1] to bear the wider interests dependent upon them, and some new offices[2] were created to maintain the dignity of the power now supreme; while the conveyance of the ark, "with shouting,"[3] to the new city of Jerusalem appeared to prove that the piety of the king and of his people was still unchangeable. But the evil day succeeded; and David sank, like some of his own psalms, into maledictions and unworthy passions, by which the darker nature of his race is mournfully revealed. The moment of their fall was close to that of their king's, nor could his repentance avail to save them when he was departed.

Solomon was the first hereditary monarch, and such royal majesty was bestowed upon him "as had not been on any king before him in Israel."[4] But after praying for an understanding heart, and building a temple, with an inner shrine, to the worship he was wise enough, at first, to render, he began upon other works, and submitted his heart to contrary desires; fortifying the city for his own strength, and rearing the palace to his own magnificence. Nor was Solo-

[1] As in the case of the priesthood, 1 Chron., ch. xxiii.

[2] As in those of the royal household. 1 Chron., xxvii. 25 *et seq.*, xxviii. 1; and 1 Kings, ch. iv.

[3] 2 Samuel, vi. 15.

[4] 1 Chron., xxix. 25.

mon content with the greater power he obtained or the more lavish pomp in which he lived at home. He sought to extend his dominion over neighbouring nations, and sent his ships, or those of his Phœnician ally, Hiram, to bear his name afar, and to bring him back the riches of distant lands. In these pursuits, so managed, apparently, as to endanger faith, justice, and independence, the degradation of the king and of his people was accomplished: sun, moon, and stars, in the very language of Solomon, were darkened, and the clouds returned after the rain. It did not seem that the Jews could cross their boundaries without losing somewhat of the spirit which marked and which became them; nor was it possible that they should serve a monarch whose ambition required their complete submission, without forgetting the God to whom their fathers were kept faithful by the belief that in Him alone resided authority and majesty.

Rehoboam succeeded to an inheritance which could have been transmitted only amongst a changed and a sinful nation; and his first words were those of a tyrant:—"My father," he said, "chastised with whips, but I will chastise with scorpions."[1] The offspring of despotism like this was such as would have been anywhere conceived and born. Of the twelve Tribes, hitherto closely or feebly united, ten were soon formed into the kingdom of Israel, the other two composing the kingdom of Judah; and the people, whose liberty and whose faith depended upon

[1] 1 Kings, xii. 11.

union, were "scattered upon the hills" from which they could already distinguish the darker doom of conquest and captivity.[1] It soon became apparent that these calamities were near at hand; yet the memory of times when piety was practised and law was obeyed did not save the Jews from the discord and the wickedness against which they had been forewarned, as well by the mouth of Moses, their most trusted prophet, as in the person of David, their most glorious king. The successive steps through which they were now passing are to be numbered: despotism, disunion, and impiety. That the despotism of Solomon and Rehoboam should have been the first step of the three is another sign that the religion and the prosperity of the Jews were immediately connected with their freedom.

One light still burned amongst the unfaithful and the miserable nation. It was that of the prophets, whose figures alone rise out, like signs and watchmen,[2] above a dusky multitude of kings, priests, princes, and people. One, like Elijah, confronts the idolatrous monarch, and answers him:—"I have not troubled Israel; but thou, and thy father's house, in that ye have forsaken the commandments of the Lord."[3] Another, like Jeremiah, appeals to all his countrymen, in language equally direct and still more solemn:—"Hear the word of the Lord, all ye of Judah . . . . . If ye thoroughly amend your ways and doings; if ye thoroughly execute judgment between

[1] 1 Kings, xiv. 15, xi. 39 *et seq.*, xxii. 17.

[2] Ezekiel, xii. 6, xxiii. 7.

[3] 1 Kings, xviii. 17, 18.

a man and his neighbour; if ye oppress not the stranger, the fatherless, and the widow, and shed not innocent blood in this place, neither walk after other gods to your hurt: then will I cause you to dwell in this place, in the land that I gave to your fathers, for ever and ever."[1] Such men could not go scathless amongst their people or before their monarchs; Jeremiah was scourged and imprisoned;[2] and Elijah fled, melancholy and distrustful, into the wilderness.[3] No outrage, however, could suffocate the breath which they drew in from a higher atmosphere, though there was so little freedom to give it vent upon the earth. When one prophet fell or was precipitated from the height on which he still seems to stand with far-seeing eyes and outstretched arms, another ascended to the post of peril and of inspiration. As years went on, the denunciation of wrongs that were then, and had been before, gave place to the prophecy of blessings that were yet to be; and higher above the ruins rise voices, like Isaiah's, preparing the glory of the Lord,[4] or, like Daniel's, foretelling the endless kingdom.[5].

The time came when he who bewailed the gates, the bars, the kings, and the princes of Zion, was obliged to confess, with heavier lamentation, that the prophets, of whom he was one, could find no vision.[6] It was in punishment of countless sins committed, but in mercy towards countless hopes yet uncon-

[1] Jeremiah, VII. 3—7.
[2] Ibid., XX. 1, 2, XXXII. 2.
[3] 1 Kings, XIX. 2 *et seq.*
[4] Isaiah, XL. 3—5.
[5] Daniel, II. 44.
[6] Jerem., Lamentations, II. 9.

ceived, that the Jews were conquered and swept away into captivity. The kingdom of Israel fell first before the arms of Assyria; and after one hundred and twenty years, the kingdom of Judah and the city of Jerusalem were subdued by Nebuchadnezzar, of Babylon.[1] Dispersed amongst strangers and oppressors, wasted in numbers, bereft of laws, and shaken in their faith itself, the Jews seemed to have abandoned or lost the charge which had been committed to them. But the tears shed and the harps strung by the rivers of Babylon restored them to the affections they would have for ever forgotten, perhaps, had their luxury and pride and independence been continued.

Sixty years after the second captivity, when all the old and most of the young who had been dragged away were dead, a train of exiles was permitted by the Persian king, the conqueror of the other conquerors, to go back to Jerusalem. It was later still, by near a century, that the restoration was completed by the return of others who were still faithful to the traditions of their fathers' homes and their fathers' laws.[2] To these, indeed, who, though few in numbers[3] and weak in resources, were yet alive to the majesty of their national history, the Zion they revisited was a paradise within whose gates there were

[1] The first captivity (of Israel) happened in A. C. 721; the second (of Judah) in 599. 2 Kings, XVII. 6, XXIV. 10—16.

[2] The first restoration, according to common chronology, was in A. C. 536; the second taking place in 457. Ezra, II. 1 *et seq.*, VIII. 1 *et seq.*

[3] "The whole congregation" which first returned, was only 42,360 in all; but this number

waters which rolled from holy mountains and paths which led to hallowed scenes. Hither they returned with memories and hopes to which many a generation before them would have been insensible; and it was without care for their dependence or their feebleness that they stooped upon their knees to gather the still unfaded promises among the scattered ruins of Jerusalem. The twelve tribes were nominally reunited and the ancient institutions were nominally restored; but the Jews continued in subjection to Persia until the conquests of Alexander; after whose death, they submitted to his successors in Egypt and Syria; being at one time nearly exterminated by persecution and oppression under the Syrian Antiochus, and then again recovering a brief and turbulent independence under their own heroic Maccabees, only, however, to be bound in, at last, amongst the widespread dominions of Rome. Nevertheless, a national spirit, like that which issued from the severer Egyptian bondage, was formed anew in consequence of the captivity and the restoration, making the people cleave to one another, and persuading them, as an exile himself worte, on his return, to walk in God's law.[1]

Had there been a second Moses to lead the people in their second deliverance, the end of ancient Jewish history might have been long protracted. Instead of him, however, or of any like him, Pharisees and

was undoubtedly increased by those who had already straggled back, or been living in Judea during the exile of their countrymen. Ezra, II. 64 *et seq.* The numbers of the second restoration are not clear. Ezra, VIII. 1 *et seq.*

[1] Nehemiah, x. 28, 29.

Sadducees, elders, priests, and scribes, stand, wrangling and trifling, in the foreground of the scene which opens some time after the restoration; while behind are groups of lowlier people, the contrast between whom and their leaders appears to suggest the only hope of which the nation was then susceptible. The purposes of the return from Babylon to Jerusalem are not, perhaps, difficult to discern. It was necessary, on the one hand, that the faith associated with the fallen city should be preserved, and yet, on the other, imperative that the sins which had sprung from lust and dominion amongst its chosen worshippers should have no opportunity for revival, though their actual chastisement was over. If this interpretation of Providence be correct, as it is humble, it follows that the recall of the Jews, as a religious, was unattended by any corresponding regeneration of them as a free nation. They appear, indeed, in an aspect of less security on their own part, that they were the favoured race of all others upon the earth; their intercourse with other nations[1] seems to extend; and, except with the phylacteried priest or the long-robed Pharisee, the pride of earlier times was buried deep beneath the wrecks of their independence.

[1] Partly in respect to the knowledge of the East, whither they had been in exile, or of the West, with which they were connected after their return. Partly, also, by the admission of proselytes, who may have been (but this is only conjecturally stated) more readily received in these later days. As to proselytism more generally, see Jennings's Leet. Jewish Antiquities, book 1. ch. 3.; Reland, Antiq. Sac. Vet. Hebræor., II. 7, sect 14; and Tacit. Hist. v. 5.

The redemption of humanity could be prepared only through humbleness for what had passed on earth, and hope for what was to come from Heaven. Neither feeling could be aroused amongst the Jews as a nation; but there were individuals, and even classes, in whom a spirit was forming itself unseen, like that of which the prophets spoke, and to which the harps in Babylon were strung. The most inspiring promise of Moses was the appearance of a Prophet who would be heard, though he himself were forsaken;[1] the most eager aspiration of Malachi was to have the temple prepared for the coming of the Lord.[2] There were some, though few, indeed, by whom such memories were cherished and such hopes implored, in ignorance, perhaps, but in contrition. It was to these, to the shepherds, the fishermen, and the penitent, that the angels sang; these, likewise, that He who was "so much better than the angels"[3] comforted, at last.

[1] Deut. xviii. 15, 18.
[2] Malachi, ii. 10, iii. 1.
[3] Hebrews, i. 4.

CHAPTER VIII.

CHARACTER AND DOOM OF ANCIENT LIBERTY.

> "Rationem nobis tanta cum pernicie datam."
>
> CICERO, *De Nat. Deor.*, III. 27.

> "We know the arduous strife, the eternal laws,
> To which the triumph of all good is given."
>
> WORDSWORTH.

THE preceding review, though one of portions only from ancient history, leaves us in the midst of lights and shadows so mingled, that they seem to have no outlines. There is but a single principle by which we can possibly attempt to trace the cloudy horizon or the clearer upper sky,—which is, that we are not reading of the past alone, but of the unceasing wisdom and the inexhaustible goodness of Him to whom the past and the present are both as one.[1]

It is through dependence on the providence of God that the progress of man is seen to be secure. Empty confession will not make it plain, much less will emptier denial[2] make it doubtful, that there is a

[1] "Philosophy, baptized
In the pure fountain of eternal love,
Has eyes indeed; and, viewing all she sees
As meant to indicate a God to man,
Gives him His praise."—COWPER.

[2] Like that by Turgot:—"Je cherche les progrès de l'esprit humain, et je ne vois presque autre chose que l'histoire de ses erreurs." Disc. en Sorbonne, II.

perpetual approach amongst men towards a state of greater power and higher virtue, though none can yet foretell its relative or its absolute perfection. The times through which we have passed throbbed heavily with errors and pains, now beyond conception, as well as memory. Even the place which each nation was appointed to fill, apart from or in connection with the other nations of the earth, seems to have been untenable except for a season; while the powers of those to whom it was given were fresh and aspiring. It was with them all as with Orpheus, when, after the fervour of his song had persuaded savage beasts, and prevailed against the infernal powers, he could not keep Eurydice, but turned back to the depths of hell, as if forgetful of the heights of heaven. Yet the actual advance from a system like that of India, to one like that of Greece, was none the less wonderful because the Greek became the subject of Alexander or of Rome. After the fall there was to come another rise, not at once indeed, or universally, but to such as were fittest amongst mankind to bear translation from the lower spheres in which their ancestors had lived and died. Even when the smoke was thickest and nothing but ashes seemed left to feed the flame, we know that the smouldering fire was waiting a breath to leap and spread throughout the world. The trials of heathenism prepared the mercies of Christianity.[1]

[1] "Trace any of these," as Southey said, in another connection, "backward link by link, and, long before we are lost in the series of causes, we shall be lost in thought and in wonder; so much will there be to humble the pride of man, to abate his presumption, and to call for and confirm his faith." The Doctor, ch. CLXX.

This progress of mankind towards better things, the great characteristic of ancient as of modern times, depends upon a twofold law. One of its parts may be called the outward, because it has the most open influence upon the circumstances and the capabilities of a nation or an individual; the other part may be styled the inward, as being the most powerful over the desires with which the heart of one or the hearts of many may be occupied. The two have their eternal names: liberty and religion. Parted, the one is apt to be comparatively powerless, and the other sure to be comparatively worthless; but united they are the precious and the mighty principles of civilisation.

It is plain there was no religion to operate upon any people save one of those we have here revisited. A few faint imaginations of the Deity nowhere led to worship in spirit and in truth;[1] and even the race to whom the knowledge of their Creator was most openly communicated were wavering and disobedient amidst all their blessings and all their trials. Faith with the heathen was the downward stream that rocks might hinder and bending banks delay; but its waters were not again to find their source high up amongst the mountains. It is only as a part of history[2] that the religion of antiquity survives: and

[1] "Longum est enim singulorum sententias exsequi: qui licet diversis nominibus sint abusi, ad unam tamen potestatem, quæ mundum regeret, concurrerunt. Sed tamen summum Deum quum et philosophi et poetæ et ipsi denique qui deos colunt, sæpe fateantur; de cultu tamen et honoribus ejus nemo unquam requisivit, nemo disseruit ea scilicet persuasione," &c. Lactant., De Ira Dei, 11. See the Epistle to the Romans, i. 21.

[2] "On fait l'histoire du monde en croyant faire celle des dieux." Pastoret, Hist. des Légis., i. 461.

still it murmurs through the hordes of human beings whom, chained to fears and sins, it drove through life to their repulsive graves. The inward law of progress was sealed to men who knew nothing of their creation, their existence, or their immortality.

The outward law, as we have styled liberty, was better known and much more effectually practised. Indeed, the work that it enabled mankind to accomplish in ancient days was the very highest improvement of which our race was susceptible before its redemption. The evils done by a priesthood, as in India, were repaired by the labours of a people, as in Greece. The degradation and the despair which religion in ignorant or perverse hands prescribed[1] were changed into some kind of hope and of elevation through the pursuit and the development of liberty. Yet the principle we have thus uplifted seems to sink, as if too imperfect to be the basis of civilisation. It was incomplete; everywhere confined to individuals or classes, and everywhere disjoined from religion, from the law which would have been its soul, and without which it was itself doomed to imperfection and extinction. Without moral powers, in other words, without the capacity of knowing and the love of obeying the laws of God, there can be no rightful and fruitful use of liberty amongst men.

If these premises be correct, there is but one conclusion, undeniable and unavoidable. The liberty so

[1] See Locke on the Reasonableness of Christianity, Works, vol. VII. pp. 135 *et seq.*; and Warburton's Divine Legation of Moses, book III. sect. 2.

defective, and the religion so pernicious, in ancient times, were the foundations of an insufficient civilisation. The bodies and the minds of men on earth are not the only subjects of culture or enfranchisement, while there are hearts to purify and souls to raise towards Heaven. Physical cultivation might have been far greater than it really was, without attaining to its true development: that is yet, indeed, to be accomplished, in which there shall be no taint and no expression of sensuality. Had there been ten Homers where there was but one, or could Socrates have lived in the midst of sympathising, instead of having died at the hands of scornful men, there would have been the more earnest longing for the light to be revealed from the village, the lake, and the mount of Judea. The ancient world was weak at the moments of its greatest apparent force, and ignorant at those of its greatest apparent knowledge.[1] Unless religion provides the desire, and liberty adds the ability, to be strong and wise, there can be no abiding civilisation at any period.

It is to read of the prostration of heathen civilisation that we turn from the other nations of antiquity to Rome. If it be true, as once before surmised, that the Almighty ordained the improvement of His creatures in this world to be begun by their own hands, it must be equally believed that they were to labour alone no longer than was necessary to prove the inefficacy of their instruments and the vanity of their

[1] "Beschränktheit ist der Character des ganzen Alterthüms." See Hartung, Religion der Römer, vol. i. pp. 264—273.

toils. The great good to be hoped for, though men knew it not, was that they should be humbled.

The new people gather by the Tiber, afar from the East, whence their ancestors at some time wandered. They grow up fierce and rude, upon the seven hills, increasing their confidence in one another by enlarging their liberties, until their legions, armed at all points, march triumphant over Italy and pass the seas. The laws of Rome might have been far more widely and more equally disseminated than they were, yet it would not seem that the object of its existence and its dominion had been fulfilled in legislation. So, too, the eagles that perched upon the Roman standards might have swept to Persia and the farther India in their flight, or even sped unflagging over the world, and yet it would not seem that conquest in itself had been the work for which the liberty of Rome was given and taken away. No one, however, but knows that Rome became the mistress of half the world; no one but remembers that the victorious people were, at last, themselves as much consumed by strife and shame as their subjects had been, from the first, degraded and sundered. The fall of Rome beneath the stroke of the destroying angel was the fall of heathenism; and it is to comprehend the manner in which strength so wide was obtained and dissolution so universal was accomplished, that we proceed in our history.

THE

LIBERTY OF ROME.

BOOK I.

PERIOD OF FOUNDATION.

A. C. 753—500.

"Roma ferox."—Horace, *Carm.*, III. 3. 44.

"The separation of all the chiefs or nobles from the inferior people was far more strongly marked than the elevation of the king above his nobles."—Arnold, *Appendix* I. *to Thucydides.*

THE LIBERTY OF ROME.

BOOK I.

PERIOD OF FOUNDATION.

CHAPTER I.

THE PLACE AND THE PEOPLE.

"Omnia Romanæ cedent miracula terræ:
Natura hic posuit quidquid ubique fuit.
Armis apta . . . . . tellus."

PROPERTIUS, III. *Eleg.* 22, 17—20.

NOT so far from the western coast of Italy as to be land-locked against the intercourse and the enterprise whose paths are on the sea, nor yet so near as to be exposed to the perils and the piracies with which the waters swarmed in early times, there rose a group of seven hills, by which the river Tiber flowed, swift and winding, to the Mediterranean. The hills were neither large nor lofty; but, as they stood, covered with rank and rugged vegetation, and flanked with rocks, on some sides steep as precipices, the security of their situation must often have attracted the herdsman harassed by losses, or the rover weary

of forays. Below and between them lay some scanty patches of more level ground, of which a large portion was primitively unfit either for habitation or for cultivation, partly on account of its own swampy character, and partly because the adjoining river would often pour over it in inundation. The more untenable the lower ground, the more defensible was the higher; and so much were the hills separated from one another by the natural moats at their bases, that each might have been originally occupied by a different band, with comparatively little danger to the least numerous or the worst fortified. It was inevitable, however, that, as the trees which grew like walls upon the hills were felled, and as the huts crept downward when the narrow summit was overcharged with dwellings, the various settlements, exposed to one another's sight and trespassing on one another's possessions, would be united, by consent or conquest, into a single city.

The names of the seven hills were given them by the Romans, after years, as we shall presently perceive, of which we have no actual history; but for the sake of simplicity, they may be here introduced as if they belonged to the earlier period. As near as any to the centre was the Capitoline, with its Tarpeian cliff, the immovable stronghold,[1] as it was called, to which the other hills were like dependent outposts. Across a lake or pool, where lay the solid and stormy Forum in after times, rose the Palatine, originally, it would seem, the more defensible hill, inasmuch as it

[1] "Immobile saxum." Æn., IX. 448.

was this which the Arcadians occupied, according to the legend, and this on which Romulus marked out his walls. Nearer the river stood the large Aventine; while, on the opposite side of the Palatine, were ranged almost abreast the Cœlian, the Esquiline, the Viminal, and the Quirinal, all of which successively abutted upon the valley common on the other side to the Palatine and the Capitoline. But at their farther extremities, the hills last mentioned scarcely rose above the neighbouring plain, and left an opening, as it were, to the incursions from which the Romans would otherwise have been almost entirely protected. These names, perhaps, sufficiently describe the relations of the hills one to another; and with the aid of a plan, or, better still, of memory, the reader will easily observe the similitude of their appearance and position to an assemblage of fortresses, which, when once joined together, might be held by warriors to the terror of the entire country round.

This neighbouring territory was as peculiar in its nature as that of the hills. It would be unsafe to describe it as if it were the Campagna of the modern city, from which the waste of centuries has stricken the verdure that once nestled on the earth, as well as the foliage that waved and rustled through the air. But the forms which the earth wore, and the hues with which the air was beautified, are still the same—at least in general appearance—as in ancient days. The undulations of the ground on either side the seven hills were precisely such as would attract a warlike or a migratory people to build their cabins

where they would have a field to furnish them with food, at the same time that they found a cliff or a ravine to use in their fortifications. All around were spread the colonies of strangers and the villages of natives or of early settlers, neither so close to each other as to create any positive want of land or means, nor, on the contrary, so far removed as to obviate the necessity of quarrel and warfare between races to whom the sword was intrusted rather than the ploughshare. The province of history, however, scarcely includes conjectural descriptions; and it is enough for our present purpose to bear in mind the numbers and the hostilities of the people neighbouring to Rome.[1] Any traveller or reader of travels will recollect the mountains which, with snowy plumes, close in, like sentinels, on the north, the east, and the south, about the plain where the Romans were set to learn the fortitude and the confidence which it was the will of the ruler they knew not they should acquire. The west, it will likewise be remembered, was begirt by the waves of the Mediterranean.

Above the calm mountains and the broken plain shone the same sky of old that yet overhangs them. Its fervid colour and its dissolving haze, each existing to the greater beauty of the other, were familiar to the Romans, as to the nations before them, and to their own posterity. In their eyes, likewise, the mountains were arrayed, at sunset, in the purple man-

[1] "How many realms pastoral and warlike, lay
Along the plain, each with its schemes of power,
Its little rivalships!" &c.—*Roger's Italy*.

tles which are still put on, unblemished and unworn; and above their heads the noon, kindled with fire, drenched with rain, or divided by the contest between the sunlight and the storm, was as variable and impassioned as others who have lived beneath it can remember. It may have been thus that the ardour of the Romans was kindled by the changeful and exciting air they breathed, as by the scenes they looked upon; yet it is quite apparent that there must have been some other element besides, to have kept the nerves of the nation in string as long as they actually were. But if the atmosphere was colder,[1] not only before cultivation began, but also before desolation succeeded, then the strength which was aroused was maintained by the natural influences of the climate as well as by those of the neighbourhood and the homes on the seven hills.

The position of Rome was probably no matter of choice, but of necessity, at the time of its foundation;[2] yet the inhabitants of the city, when it became the great one of the earth, hath set us an example of accounting for the situation selected by their ancestors by the enumeration of its natural advantages.[3] It is here important to define these at the outset of our history; the more so, as the geographical circumstances of Rome have often been mistaken or neg-

[1] See Chapter XXIII. of Arnold's History of Rome, and Tournon, Etudes Statistiques sur Rome, tom. I. pp. 204 *et seq.*

[2] "Illa de urbis situ . . . . . quæ a Romulo casu aut necessitate facta sunt." Cic., De Republ., II. 11. See Strabo, V. 3, sect. 7.

[3] See the lines from Propertius at the head of the chapter, and compare Cicero's eulogy, Rep., II. 3.

lected; while, to us who propose to pursue the course of Roman liberty, there can be nothing worthier attention than to fix and sound the sources from which the stream derived its origin. The climate, as we have seen, was one to excite, at least for a time, ambition and impetuosity; the neighbourhood was so peopled as to render war natural, and warlike habits indispensable; while, further still, the sea to which the Tiber flowed would open a way to various intercourse and different civilisation. Nor is this all we have to regard; but the site of the city upon the hills is to be considered as one of the inducements to strife, because of its security; while the irregularity and the separation of the parts into which Rome was divided within itself are as the outward plan of the domestic disorders hereafter to be told.

It is not here that the weary questions concerning the primitive population and the subsequent migrations which occupied Italy can be renewed.[1] From beyond the northern mountains and the seas surrounding every other side of the peninsula, horde pursued horde and colony followed colony of stranger races; each one ejecting or else submitting to its predecessor, until the country was parcelled and reparcelled amongst the adventurers who sought it for its spoils. Every fresh arrival, therefore, was the signal for contests of greater or less ferocity, in proportion to the strength and the numbers of the new and

[1] See Malden's History of Rome, in the Library of Useful Knowledge, ch. III.; Brotonne, Hist. de la Filiation des Peuples, liv. II. ptie. 2; or the early Chapters of Niebuhr's great History of Rome.

the former comers; nor was the strife, however it might be excited, continued simply for the sake of covetousness to assail or possessions to defend. Contrary principles, as far as they may thus be styled, in customs and in creeds, were staked against each other; and the changes of century after century were as much apparent in the different objects for which men lived, as in the varying boundaries within which the separate nations were temporarily established. No other country has even the traditions to exhibit of so many convulsions in preparation of its later destinies.

Among the almost countless variety of races thus poured through every part of Italy, three are to be named above the rest, in consequence of the relations they sustain to Rome. The three are the Latin, the Sabine, and the Etruscan people, of which the last held the territory to the north, the Sabine that to the east, and the Latin that to the south and southeast[1] of the seven hills, at the time when the city of Romulus is supposed to have been founded. Among each of the three races there existed a confederacy[2] of little compactness, but of such general extent that Rome itself is sometimes conjectured to have belonged to one or to another league. Wars were of continual occurrence, not only amongst the different nations, but amongst the separate settlements of either nation;

[1] Florus mentions especially the Latins and the Etruscans, in speaking of Rome: "Mediusque inter Latium et Tuscos, quasi in quodam bivio collocatus." I. 9.

[2] Micali, Stor. Ant. Pop. Ital., cap. XXI.

and there are many signs in the early legends of Rome which entitle us to imagine, at least, that the beginning of its independence was in some such conflict with its neighbouring and kindred people, against whom it obtained assistance from other neighbours who were not its kindred. Sometimes, there are traces of a colony upon the hills;[1] anon, the colony is transformed into a secession;[2] and then, again, the taper-tradition flickers, and nothing can be seen of any connection with the tribes or the towns of the environs.[3]

But amidst these gathering questions, which it is right to mention, but vain to attempt to solve, some testimonies of firmer kind appear, of which the credibility is a fact, however impossible it be to declare their positive and undeniable certainty. One is to the manner in which hostilities[4] appear to have led to some more peaceable communications between the Italian people; and the possibility of partial union, at least, amongst them began to be apparent, perhaps not so much, however, to themselves, as to those who read their doubtful history. Another evidence is still more trustworthy in respect to the junction of members from the three races in the Roman state whose foundation and increase are directly to be related.

[1] And even from Arcadia and Troy. See, also, Niebuhr's chapter, entitled "Traditions on the Founding of the City."

[2] From Alba. Göttling, Röm. Staatsverfassung, sect. 29.

[3] Becker, Röm. Alterthümer, vol. II. p. 11.

[4] It might be added, and rapine. "Ces peuplades errantes ne vivaient que de guerre, c'est à dire de vol." Boulland, Hist. des Transformations des Peuples, p. 225.

Each, willingly or unwillingly, yielded its contribution, perhaps simultaneously, but more probably successively, to the nation in which their habits, their laws, and their descents were commingled.[1]

These scanty statements concerning the formation of the Roman people excite some reasonable anticipations concerning the history we are here beginning. And as we, a moment since, obtained a clew by surveying the position, so now we may extend it by having reviewed the origin of the people on the seven hills. With them, another nation of warriors appears to have been born; while the impulses to assume and the circumstances to employ their arms are such as enable us to foretell, almost without foreseeing, the end. They will be conquerors of Italy, whose bloom is from the first united in them; conquerors of the world, perhaps, as soon as Italy is subdued: but whether they are to live and triumph for the melioration or the prostration of the vanquished has been already hinted, and may be left for us to decide hereafter.

[1] "Quippe quum populus Romanus Etruscos, Latinos, Sabinosque miscuerit, et unum ex omnibus sanguinem ducat. Corpus fecit ex membris, et ex omnibus unus est." Flor., III. 18. The Italian Micali, not content with this, would have Rome "una mescolanza di genti d'ogni nome." Stor. Ant. Pop. Ital., cap. x.

CHAPTER II.

THE KINGS.

"Temporum illorum tantum fere regum illustrata sunt nomina."
CICERO, *De Rep.*, II. 18.

"Les fables sont de la tradition, les institutions sont de l'histoire."
DUREAU DE LA MALLE, *Econ. Pol. Rom.*, tom. I. p. 184.

THE legends or the lays of Rome possess, not only the freshness on which poetry, but, in many respects, the faithfulness on which history, depends. It is neither fit to scare them from existence by a lean and wasteful learning, nor necessary to repeat them, as if the only advantage to be gained were the illustration of the spirit by whose ardent faith they were, in after times, created. If they be attributed to any later generations, none can tell to which they must actually and definitely be assigned; but if credibility be denied them utterly, the only means of composing the early annals of their people must be abandoned as unserviceable. No reasoning against the personality of their heroes or the accuracy of their descriptions has as yet been made incontrovertible; and until both shall be more thoroughly gainsaid, we have some cause for confidence in their general probability. It does not seem that Romulus is to be considered as the name of a personification rather than a human being, simply because it can be derived from

the name of Rome; nor that his successor is to be refused a place amongst the mortal kings of old, because it may be conjectured that the Greek word for Law[1] corresponds to his name of Numa. The history of Rome would suffer beyond relief by losing the assistance of its legends in the description of the early institutions; and so much has this consequence been dreaded, that the stoutest enemy of the king or the champion, the miracle or the adventure, in the ancient story, will lower his lance before the mention of a law or the outline of an assembly, as if he could not be too humble in presence of tattered pennons such as these. The distinction, however, if not pushed too far, is very fair; and the law may long outlast the history of the lawgiver: but it will scarcely endure beyond his memory. Let it therefore be stated here, that the following relation of the liberty existing under the monarchy in Rome, while it will avoid many details of the legends which are purely fabulous, will, nevertheless, be based upon the conviction that the names, at least, they mention were those of living men, and that the institutions they describe were the actual foundations of the Roman constitution.[2]

It would be an affectation to change the tone of

[1] "Νόμος, d. h. der Sitten, Gebräuche, Ceremonier und Gesetze, oder den Urheber des Staats Organismus." Hartung, Rel. der Römer, vol. i. p. 216.

[2] Even calling them "complacent fictions," as Wordsworth does :—

"Yet the same
Involved a history of no doubtful sense,—
History that proves by inward evidence
From what a precious source of truth it came," &c.

our narrative, in returning to the misty times when, as in the vapours of our own atmosphere, "what is paltry may be made to look vast, and what is ponderous, aerial."[1] But it is a positive necessity so to keep in mind the rudeness and the fervour which were the especial characteristics of early Rome, that we shall not fancy we are upon the history of a peaceful or a civilised nation.

The earliest legend of which we need take notice related the birth of Romulus and Remus, the twin children of the priestess Silvia, unfaithful to her vows.[2] She was of the royal house of Alba, but of a sire whose rights to the throne had been usurped by his younger brother; and he either fearing the future claims of the new-born boys, or else indignant at the dishonour of his niece, ordered the mother and the infants to be thrown together into the Anio, to die. Silvia perished; but the babes, carried down the stream into the Tiber, were borne on farther to the foot of the hill still called the Palatine. A wolf was said to have lapped them with her tongue and fed them with her milk, until they were discovered by one of the settlers on the hills, a shepherd, who took them into his own hut and with his wife's aid saved them from death. The boys grew up, with their preserver's children, to be men, stronger and braver

[1] As is said of the rain-cloud in the delightful work upon the Modern Painters, vol. I. p. 243, 3rd edit.

[2] The father, according to the full legend, was the god Mars. As Ovid hath it,—

"Martigeræ non sunt sine crimine nati
Romulus Iliades, Iliadesque Remus."

Amor. III. 4. v. 39, 40.

than any of their companions, who may have been herdsmen or colonists, of one race or of several, as we cannot now decide. Their occupations were doubtless such as their circumstances required or allowed; yet in after years, it was believed that the brothers were not only distinguished by personal endowments, but that they persuaded their foster-kinsmen and neighbours to deeds of greater benevolence and magnanimity than were common to their lawless times.[1] The spot in which they were thus bred, and where they supposed themselves to have been born, was still in all its ruggedness and humility; yet it is not impossible, but, on the contrary, exceedingly probable, that the different people living near, on either side, were already approaching one another by forming settlements upon the hills.[2] However this may have been, it does not appear that Romulus and Remus had any difficulty, when their parentage was discovered, in procuring a numerous band of followers, to aid them in revenging their mother's death and in replacing their grandfather, yet living, upon the throne of Alba.

The young heroes returned to their huts on the Palatine, either bound by promises to their followers, who could not have been rewarded at Alba,[3] or else

[1] Plut., Rom., 6.

[2] See Plut., Fortun. Romanor., ed. Reiske, tom. VII. p. 273. Cf. Liv., I. 5; Prop., IV. 4. 9.

Livy will be our almost inseparable, and, it need not be added, our invaluable guide. Something is said of him in the text of book IV. ch. 3, of this history. His great work originally consisted of one hundred and forty-two books, of which thirty-five alone remain. He was born at Padua in A. C. 59, and there died in A. D. 17, after passing most of his days in the city of which he wrote the history.

[3] Plut., Rom., 9.

themselves preferring their earlier home. New hopes, however, had come to them, which they were not of a temper to surrender; and when they turned their backs upon the city they had recovered for their grandfather, they were already determined to build a city of their own. Both sought the honour of laying its foundations, though the legend represents them as having intended to rule it jointly; but Romulus took the charge upon himself, and drove the plough around the limits he designed upon the Palatine. Remus, enraged by the choice of the place,[1] as well as by his brother's assumption of superiority, came up in derision to leap over the furrow that marked the line of the future walls. A quarrel arose between the brothers and their several adherents; hard words brought on hard blows; and Remus fell, slain by the hands of Romulus, or, as some said,[2] by one of Romulus's followers. The survivor made a show of lamentation; but the city was founded, and the festival of the shepherds[3] was held in rejoicing over its opening destinies, too lamentably presaged by the conflict and the crimes with which they then began. Not the least ominous record of the tradition is that which

[1] Liv., 1. 6. Dion. Hal., 1. 85, 86.

[2] Ovid, Fast., v. 837 *et seq.* Plut., Rom., 10. De Vir. Illustr., cap. 1. This collection, commonly passing under the name of Aurelius Victor, an historian of the empire, was "founded, according to the extremely happy conjecture of Borghesi, upon the elogia inscribed on the statues of celebrated men in the Forum of Augustus." Niebuhr, Hist., vol. III. note 122.

[3] The Palilia. Plut., Rom., 12.

"And little Rome appears. Her cots arise,
Green twigs of osier weave the slender walls,
Green rushes spread the roofs; and here and there
Opens beneath the rock the gloomy cave."—DYER.

it bears concerning the violation of the religion to which Silvia, the mother of the hero and founder, had sworn fidelity in vain.[1]

The reign of Romulus was always declared to have been long and glorious. If it began, as the lays related, with the asylum he opened for runaways,[2] or the ravishment of the Sabine virgins enticed to the festivals of their wild neighbours,[3] it ended with the supremacy of his state over all the nearest settlements, which made haste, apparently, after the example was once set them, to submit to the bolder arms and the stronger laws of the Romans.[4] The constitution of the people was ascribed to their earliest king;[5] too much, perhaps, to his renown, yet so naturally, that it would be difficult to find a commencement for many of their institutions, if his name were not to be used as that of the first lawgiver of Rome. He led his people to battle; and when the victory was won, he taught them how to lay up its spoils in store, instead of wasting them at the moment they were gained. He ordained the classes into which his followers and the people whom they subdued were distributed; devolving on each its duties

[1] For the variations in these and the other legends, see Malden's History, end of ch. I., and ch. IV.

[2] "Sine discrimine." Liv., I. 8. Cf. Dion. Hal., II. 15.

[3] "Studio videndæ novæ urbis." Liv., I. 9.

[4] As Sir Walter Raleigh describes them:—"Swelling by degrees from the sheep-hook to the sword, and therewith victorious." History of the World, I. p. 503.

[5] "Populum Romanum ipse fecit." Flor., I. 1. "Ortum e parvula Romuli casa." Val. Max., II. 8. "Dans la naissance des sociétés," says Montesquieu, "ce sont les chefs des républiques qui font l'institution." Decad. et Grand. des Rom., ch. I.

or its privileges, and gathering all within the fold of the religious and the civil customs he learned from his kindred, and from the strangers, likewise, by whom he was obeyed. Yet the only reasons for saying that Romulus did these things are knowing that they were done, and supposing him to have had life and power to do them.

But setting aside the name of Romulus as too disputed to be continually cited, it is to be remembered that there must have been some chief or chiefs to direct the achievements by which the first age of Roman history was signalised. The "brigands and semibarbarians," as they are called by one of their own historians,[1] could not sweep down in sallies from the Palatine without a leader; nor was it by any common impulse that they were able to persuade the enemies they had to combat, as well as those they first subdued, to join them in their newly founded city. At the same time that the conquered were admitted as citizens, a detachment of the conquerors was always sent to occupy the vanquished territory as a colony, in which the Roman was rather a soldier than a settler. More extraordinary is the tradition that describes the betrayal of the Capitoline by Tarpeia to the Sabine army, which Titus Tatius, the king, led against the ravishers at Rome, to have been followed by the union of the two people in a com-

[1] "Jam latrones et semibarbari." Eutropius, I. 3.

Eutropius lived under the emperor Constantine and his successors, Julian, Jovian, and Valens; at the command of the last of whom, he wrote a compendium of Roman history.

mon league,[1] that, far from being disturbed by the death of Tatius, was corroborated under the rule of the Roman monarch. Many of the Latin towns in the neighbourhood were also united after being overcome;[2] and there are vestiges of an Etruscan settlement or immigration,[3] which made another part of the fast-increasing state. The foundations were no sooner laid than the wall and the tower, so to speak, were erected by the very hands which might have been expected to be raised with deadliest force against them.

The two great classes into which the Roman world was divided, almost from its first existence, were those of the conquered and the conquerors, between whom there will only too often be occasions, in this history, of noting the separation and the contrast. In the times of the earliest kings, the Patricians were in one class, the other being composed of their clients and their slaves; but as victories multiplied, the lower class included the Plebeians within and the strangers without the state. It will be, by and by, in season to describe the various members of the inferior division with the attention due to them in a history of Roman liberty; but for the present we may be content to become acquainted with the original people of Rome.

[1] "Regnum consociant, imperium omne conferunt Romam. Ita geminata urbe," &c. Liv., I. 13. See Cic., Pro Balbo, 13, and Tac., Ann., XI. 24, for the excellence of the policy which Romulus adopted towards strangers.

[2] Liv., I. 11. Dion. Hal., II. 35, 36.

[3] Under a Lucumo, who gave aid to Romulus against the Sabines. Festus, s. v. Cœlius Mons. Varro, De Ling. Lat., v. 9, ed. Spengel. Cic., De Rep., II. 8.

Strictly speaking, the Patricians were not all conquerors; for the first associations contracted between the settlers on the Palatine and the various people whom they not only admitted, but doubtless, in many instances, solicited to share their fortunes, were such, in great part, as to place the new-comers on equal terms with the old. The names of the three original Tribes, the Ramnes, the Tities, and the Luceres, constituted, as the legends inform us, within brief periods of one another, bear witness to apparently equal relations amongst the Romans or the Latins, the Sabines, and the Etruscans, who were combined together in the extension, if not in the establishment, of the city.[1] The Ramnes, that is to say, the followers of Romulus, may have had some pretensions above the rest on account of their priority;[2] and it is quite evident that the third Tribe of Etruscans was not admitted to all the privileges of the other two, until some time after their union. But, in a general point of view, either of the three was on the same footing with the others, as Patricians, that is, in the early times, as freemen. Amongst the individual members of each Tribe the territory of the state was divided in small but equal shares;[3] and to them belonged, at

[1] The origin of the word Ramnes is plainly enough connected with that of Romulus or Rome. Tities is from Tatius, the Sabine king; and Luceres from Lucumo, Lucus, or Lucerus, all susceptible of some sort of explanation connecting them with an Etruscan derivation. "Nominatæ [tribus], ut ait Ennius, Tatienses a Tatio, Ramnenses a Romulo, Luceres, ut Junius, a Lucumone," &c. Varro, De Ling. Lat., v. 9.

[2] "Celsi Ramnes." Hor., Art. Poet., 342. Cf. Dion. Hal., II. 62.

[3] "Ager Romanus primum di-

any rate, eventually, the disposition of the newly conquered lands. The king, or rather the state, relied upon them, in return, for military service with horse[1] and foot;[2] and it was as the army of Rome that the Patricians became the conquerors of other nations and the masters of their own. The only distinctions amongst them of any importance, besides those above mentioned, arose from the institutions of the early period.

These were of the two common classes, religious and secular; but as the first were mostly referred to the following reign, we may here confine our attention to the civil institutions, of which Romulus was supposed to have been the author. It is but fair, however, to premise, that there are evident indications of his having established several of the priesthoods, and especially of his having provided for the support of their members by the same means which were ever afterward employed, namely, the assignment of lands to each temple and to every sacred college.[3]

The whole body of Patricians was united in the Comitia Curiata, the assembly of the Curies. Each Tribe was divided into ten Curies; each of the Curies into ten Gentes, or Names, as they may be styled,

visus in partes tres, a quo tribus appellatæ," &c. Varro, De Ling. Lat., v. 9. "Bina jugera a Romulo divisa viritim." Ibid., De Re Rust., I. 10.

[1] "Turma terima est (E in U abiit) quod terdeni equites ex tribus tribubus, &c., fiebant." Varro, De Ling. Lat., v. 16.

[2] "Milites quod trium millium prima legio fiebat ac singulæ tribus . . . . millia singula militum mittebant." Ibid.

[3] Dion. Hal., II. 7.

because they were formed of kindred names rather than of kindred families.[1] The name was, therefore, the first element in the constitution of the Roman state. It may be called a corporation, partly religious and partly civil, but much inferior in the extent of either attribute to the Curia, which, under the presidency of a Curio, a chief, perhaps, at first, but afterwards a priest, exercised the more public charges for which it was created. So long as it met alone, it was generally a body of citizens assembled to observe the ceremonies and sacrifices[2] incumbent upon faithful worshippers; but as soon as the Curies were joined together in their assembly, their religious functions disappeared in the civil and the political rights they then assumed, each Curia counting as one vote of the thirty in elections and legislation.[3] From out the assembly two other bodies appear to have been formed, from the beginning of the constitution: one of the senators,—the other of the Celeres, or, as their successors were afterwards called, the knights. It does not appear that there was primarily any incongruity between the two to prevent the same individual from holding a place in both; although it is

[1] "Ex multis familiis." Festus, s. v. Gens Æl. Dionysius (II. 7) calls the Gens a Δεκάς, or Decade, in Latin, Decuria; though Decuria was, in later times, a military, not a civil, division.

[2] "Ut in sua quisque Curia sacra publica faceret feriasque observaret." Festus, s. v. Curia. Hullmann (Röm. Grundverfassung, p. 3) calls the Curia a Landschaft, from χώρα or χωρίον; and it may have been that the Curies, in their meetings apart, had something to do with the secular concerns of their members.

[3] The laws passed in the Curies were called Scita Populi, "decrees of the people." Festus, s. v. Scit. Pop.

indubitable that the offices of either were totally dissimilar. One hundred Celeres from each of the three Tribes formed a company of cavalry, which may have been partly intended to serve the king for a guard or a suite, but which was more probably raised to do the state such service as swift moving horsemen could alone perform in forays and campaigns.[1] It is something better than a conjecture, therefore, that these were the younger Romans.[2] Their Tribune, or leader, was the second personage in the city, ranking next after the king, by whom he was named.[3] On the other hand, the Senate was composed of the elder men,[4] of whom one hundred were appointed, as we will say, by Romulus, from the Ramnes,[5] and another hundred by Tatius, from the Sabine Tities;[6] the third tribe having no representation for several reigns. The Prince, or Chief Senator, receiving his appointment also from the king, was, in his absence, invested with the government of the city;[7] yet it must be remembered, that, when the king was absent, the Tribune of the Celeres, who would otherwise have taken his place, most com-

[1] Hence their name: κέλης, Æol. κέλητ, Lat. celer, Eng. swift. I give the etymology in full, because Niebuhr will have it that Celeres is a name for the whole body of Patricians. See, besides, Plin., Nat. Hist., xxxiii. 9. The number is from Liv., i. 13.

[2] Dion. Hal., ii. 13.

[3] See Ruperti, Röm. Alt., tom. ii. pp. 111, 116.

[4] The Senes. Plut., Rom., 13.

[5] Liv., i. 8. Dion. Hal., ii. 12.

[6] Dion. Hal., ii. 47, 57. The second hundred were not immediately of equal dignity with the first, according to the same historian. ii. 58, 62. The Decem Primi, or First Ten, belonged, it here appears, to the Ramnes.

[7] Dion. Hal, ii. 12. Tacit., Ann., vi. 11.

monly accompanied him. But if the head of the Senate, as an individual magistrate, was inferior in consideration to the head of the Celeres, on account of the high military functions which the latter exercised, the civil character of the Senate, collectively, did not preclude it from holding the first place amongst the institutions of Rome. Its acts, the Senatus Consulta, though never independent, as if they had been laws, were, almost from the first, the mainspring of the public legislation and administration. It was itself rude enough, undoubtedly, in its earlier days; there was no temple then, of majestic form, to protect its session;[1] nor were there the memories of century upon century to inflate its deliberations; but it was still the profound and faithful bosom[2] whose breathings were nearly as much respected by the king as by the slave.

Such were the institutions[3] to create distinctions amongst the class to which they exclusively belonged; but as the Tribes united the Patricians on terms of comparative equality, before they need be supposed to have had their magistracies or assemblies, so the Gens, or Name, of which the Tribe itself was formed, continued, as the foundation of every institution, to preserve the equilibrium that offices and dignities might otherwise have disturbed. The liberty of

[1] "Buccina cogebat priscos ad verba Quirites;
Centum illi in prato sæpe Senatus erat," &c.
Prop. IV. 1, 11, *et seq.*

[2] "Fidum et altum pectus." Val. Max., II. 2. 1.

[3] It will be my plan throughout this history to describe the magistracies and assemblies by their action, as opportunity may offer after their constitution has first been simply defined.

Rome, at its starting-point, was in the leash of the Patricians, and of them alone. For no other than one of their order was received into the Name; no others, therefore, besides themselves, were considered free to use the race-course or to win the goal.[1] But of their number, though some might be denied the attainment of the rank and the authority they desired, all, nevertheless, through their Names, were in possession of the same hopes for the future that were engrossed for the present by the more fortunate, rather than by the more illustrious. The point to mark is this, that even amongst the Patricians of Rome there is a beginning to be made in the history of the development of Roman liberty.

It may already appear strange to have passed over the royal power, except in mentioning the origin of the early institutions. The king, it is true, was at the head of every one of these, either as the general, the judge, the lawgiver, or the priest. The festival and the sacrifice were, to a certain degree, under his superintendence; the Senate or the Curies waited for his summons to assemble; their legislation was subject to his proposal or his approval, and the laws they passed were committed to him, or to the judges he appointed,[2] for interpretation and execution; while

[1] "Die Glieder einer Gens .... auch ingenui genannt wurden." Ruperti, Röm. Alt. II. p. 12. See Festus, s. v. Patricios; Cicero, Topic, 6, &c. As Hugo remarks, our word *gentleman* has some association with the old *gentilis*, the member of the Gens. Hist. Rom. Law, Sect. LXX. It soon happened, however, as the freedmen and Plebeians came into existence at Rome, that there were *ingenui* who were not *gentiles*.

[2] Dionysius relates that Romulus

the army was always gathered under his command. But, if there be any trustworthiness in the olden legends, the royal authority, though thus extensive in appearance, and perhaps in claim, was not only subordinate to the Patrician right of appeal,[1] but was actually dependent, in great degree, upon the advice or the consent of the Patricians, by whom it was considered as much in their own controul as of their own election.[2] Romulus was represented as the leader of the heroes who were fond of war; Numa, as the chief of the nation which inclined to peace: but the power of both was a gift they had received, rather than any right they had, of themselves, obtained. The king, in short, was the superior Patrician; unlike the rest, perhaps, in no respect more strikingly than in being supported from lands cultivated at the common cost, without his toil or care.[3]

The only subjects, therefore, of the earlier reigns were those the Patricians may have had themselves. It is of a piece with Plutarch's good-natured simplicity, that he should have supposed the appellation[4]

himself judged the greatest crimes (*τῶν ἀδικημάτων τὰ μέγιστα*), and committed the rest (*τὰ ἐλάττονα*) to the Senators. II. 14. See the whole section concerning the king's authority.

[1] See note 4, p. 297, and text.

[2] See the statements in Dion. Hal., II. 14, which are, to say the least, as trustworthy as any recent arguments against them.

[3] "Sine regum opera et labore, ut eos nulla privati negotii cura a populorum rebus abduceret." Cic., De Rep., v. 2. "Au surplus, tous ces rois n'étaient guère que des magistrats ou des Sénateurs. Dans ces petits états de l'antiquité les rois étaient si près du peuple qu'on leur prenait très-aisément mesure." Creuzé de Lesser., De la Liberté, p. 62, 2me. édit.

[4] In Latin, Patres (Fathers) as well as Patricii. Plutarch mentions other possible derivations; the most natural of which, undoubtedly, is

they bore to have been given them on account of the paternal manner in which their authority was designed to be employed; but it is much more reasonable to derive the name from the resemblance of their power over all other classes to the absolute dominion of a Roman father over his child.[1] The first to come under it were the Clients, who may have been the inferior orders of the various races, united, as we have seen, within the rising state; or were else more gradually collected from amongst the people overcome in war.[2] However or whenever the demarcation between them and the Patricians was made, it appears from the very origin as the separation of a labouring and a subject from a ruling and a warrior class. One of the old historians recounts how Romulus chose to keep his own people fiery soldiers and bold husbandmen; and how he ordered, as if to insure their prosperity, that the arts and the trades of his city should be given over to clients and slaves, who would thus themselves be kept too busy to think of sedition.[3] Every client, with his family, was obliged to take or allowed to choose a Patrician for his patron, to whom he and his were bound in certain services, in return for which the patron afforded his favour and his protection. It is not easy to define the duties, either

that they were of such good birth as to know who their fathers were! Rom., 13. So Liv., x. 8. Sallust, the best authority, though he would have Patres signify Senators, which is nowise reasonable, says, "Vel ætate vel curæ similitudine appellabantur." Cat., 6.

[1] See chapter IV. following.

[2] The clients were sometimes connected with the asylum of the Capitoline. See Niebuhr, vol. I. p. 165.

[3] Dion. Hal., II. 9. 28

of the patron or the client, except in this general way; but there is no occasion to doubt that the connection between them, in its pristine estate, as much secured the welfare of the inferior as it enhanced the dignity of the superior. The client was protected against his unkind patron by laws, which, as must be observed, were made or accepted by the patrons themselves, that is, the Patricians.[1]

It was a vain attempt to improve upon a more ancient legend, that would have made Romulus a tyrant, and ascribed his death to the vengeance of the abused Patricians. He may have been unjust or indifferent to any others; but of them he was himself one—he their chosen chief, and they his trusted followers.[2] Later generations believed him to have been translated to the skies, not because he was of divine parentage, but to reward him for his glory in having founded Rome. On earth, he was mourned until his temple was built by his successor, and he could be adored.[3]

A year passed before the successor was chosen by the Curies; for the Patricians were loath, it was said,

[1] There must have been an earlier law than that in the Twelve Tables. See the Æn., VI. 609, with Servius's commentary. "These virtues," says Mr. Mill, in speaking of giving and receiving protection, "belong emphatically to a rude and imperfect state of the social union." Pol. Econ., vol. II. p. 321.

[2] Ἄρξας τε πατρικῶς μᾶλλον ἢ τυραννικῶς, "And he ruled like a father more than like a tyrant." Appian., De Regibus, Exc. II. ed. Didot.

Appian, a native of Alexandria, resided at Rome under the Emperors Trajan, Hadrian, and Antoninus Pius, and wrote, or rather compiled, a history of Rome and of the nations connected with the Roman.

[3] Ennius ap. Cic., De Rep., I. 41. Plut., Num., 7.

to resign the authority which one after another of the First Ten, a chosen number amongst them,[1] was elected Interrex to exercise. The general desire[2] to have another king at length prevailed, and, according to some agreement, of which the account is more than commonly confused, the Ramnes chose a Sabine, and probably from the second Tribe, which then, together with the first and the Third, confirmed, by the unanimous vote of the Curies,[3] the choice that fell on Numa Pompilius, of Cures. He was a man of quiet mind, and hesitated to accept the charge of governing a martial and impetuous people; but, persuaded by omens and entreaties, he came to Rome, and was there solemnly invested with the royalty by the Curies.[4] His devout spirit, offended, it appears, by the careless or the criminal habits of his people, conceived the hope of their reformation, to which he believed himself called before he consented to be their king.[5]

We need not deny the existence of Numa in order to be on our guard against attributing to him the preaching of new doctrines or the institution of new

[1] So Liv., I. 17. Cf. Dion. Hal., II. 57. Plut., Num., 2.

[2] "In variis voluntatibus, regnari tamen omnes volebant, libertatis dulcedine nondum experta." Liv., I. 17.

[3] These details of the election are rather conjectural; but Livy says, "Ad unum omnes decernunt" (I. 18); and it is certain that the Curies elected the kings. Cic., De Rep., II. 13, 17, 18, 20, 21.

[4] "Ipse de suo imperio curiatam legem tulit." Cic., De Rep., II. 13. That is, he received from the same assembly which had elected him the Imperium, the military and the judicial commission, so to speak, of king. It was the form of all the elections to the throne.

[5] "Ut populum ferum molliret." De Vir. Ill., cap. III. Plut., Num., 6. Liv., I. 18.

services amongst the Romans. He found them in possession of the faith and the ceremonies of their forefathers; but the wild adventure and the strange association in which they lived had confused their notions and interrupted their practices of piety. Without attempting the analysis of a religion composed of the contributions which Latins, Sabines, and Etruscans brought together into Rome, it is easy to conjecture that the worship of more numerous and more heterogeneous deities than any other single people, at least in Italy, revered, was introduced upon the seven hills, before any reformer came to organise them in a consistent system. It is equally natural to surmise, that, amongst these various objects of devotion, there were some which were sought with horrid rites and through repulsive symbols, which it would be the desire of every clearer spirit to have removed. Numa is said to have forbidden both the homage of idols and the sacrifice of human beings;[1] prohibitions that, whether truly or falsely ascribed to him, do not the less illustrate the ignorance and the cruelty with which the gods were, at some time or other, implored at Rome.

This purification of religious rites was but half the reformation imputed to the wisdom of the second king. He undertook the reconciliation of the different divinities acknowledged amongst his people; and to this end was said to have prescribed the various orders of the early priesthood. The Pontiffs,

[1] Plut., Num., 8. Cic., De Rep., II. 14.

four in number, besides their chief,[1] were intrusted with the superintendence of all the forms and all the laws that were then established in the religion of Rome. Three Flamens, or officiating priests, were next appointed: one to the service of the Etruscan[2] Jupiter, another to that of the Latin[3] Mars, and the third to that of the Sabine[4] Quirinus; so that the principal gods of the three races united in the Roman had each his minister and his sanctuary.[5] The worship of Vesta, to whom the reputed mother of Romulus had been unfaithful, was instituted, as if the goddess were to be the more especial deity of the new city, where the immortals were only too freely adored to be singly persuaded to shew their favour; and her eternal fire was entrusted to the keeping of four virgins,[6] chosen with peculiar care, and invested with peculiar sanctity, who bore her name as Vestals. As soon as these things were accomplished, it was probable for the legend to relate that the influence of the newly ordained religion was tried upon the warlike duties from which neither Numa nor any other

[1] Cic., De Rep., II. 14.

[2] Etruscan, because Pelasgian. See Malden's History, pp. 108, 135. The god was called Dijovis; his Flamen, Dialis.

[3] Latin, according to the legend of Romulus; but more generally worshipped by many of the early people throughout Italy, at first, as a rural rather than a warlike deity. See Hartung, Rel. der Röm., vol. II. pp. 169 *et seq.*

[4] Dion. Hal., II. 48. It was the same deity whom the Romans transformed into Romulus deified. Quirinus was also a surname of Mars and Janus.

[5] Dionysius (II. 64) and Livy (I. 20) both attribute the three priesthoods to Numa, in opposition to Plut., Num., 7. On the union of the various religions, see Wachsmuth, Alt. Gesch. Röm. Staat., pp. 217, 218; and cf. Ruperti, Alterth., vol. III. pp. 460, 461.

[6] Plut., Num., 9, 10.

king would seek to alienate the Romans. The college, as it was termed, of the Fetiales was charged with the declaration of war and the negotiation of peace, after rites and rules committed to their observance;[1] it may have been to the amelioration of warfare, both in its conduct and its prevalence. And in the same spirit, it would appear that a new dignity was imparted to the assembly of the Curies, by its investment, under the presidency of the Pontiffs, with participation in the management of certain ecclesiastical and civil concerns.[2]

But a much more intimate connexion between the religion and the government of Rome existed through the auspices, on which the entire state, as well as every individual in it, relied for public and for private prosperity. The Augur, originally called the Auspex,[3] was, as we should style him, the seer, through whose exalted knowledge the will of the gods was made known on earth. He might be an observer of the heavens, or of the flight and song of birds, or of any phenomena in animate and inanimate nature; but he was always the interpreter, according to whose report the battle was fought or delayed, the law accepted or refused, and the festival celebrated or postponed; while all the domestic relations were more or less dependent upon the signs he studied and exposed.

[1] Dion. Hal., II. 72. Cic., De Legg., II. 9.

[2] In meeting for which, it was called the Comitia Calata. See Smith's Dict. Gr. and Rom. Ant., s. v. Comitia.

[3] Plut., Quæst. Rom., ed. Reiske, tom. VII. p. 134. The Haruspex was a very different title, belonging to an inferior order of soothsayers.

Whether the office were introduced by Etruscans, or, as is more likely, by Latins, into Rome, it appears to have been adopted betimes; and tradition refers to Romulus himself the appointment of three Augurs for life, one for every tribe, with whom he as well as each of his successors was, after being formally inaugurated as monarch, joined as a colleague, making four in all.[1] The three, however, were probably the acting observers of the auspices; one or more of them being attached, as occasion required, to the magistrate or the assembly, to whom their assistance was commonly indispensable. In some cases, indeed, the magistrate was able to take the auspices for himself; but it then remained for the Augurs to pronounce upon their validity; and it was generally the custom for the highest officers under the monarchy, or in the commonwealth, to have an Augur by their side, to whose interpretation of signs celestial or signs terrestrial they first attended, before beginning their levy, their onset, or their harangue. It was chiefly thus that the liberties of Rome were, in great measure, under subjection; and so long as the auspices were reverentially obeyed, the college of Augurs, though not considered an independent institution, according to the letter of the law, was yet, of all others, the body by which the state was publicly and privately controlled.[2]

[1] Cic., Rep., II. 9. Liv., x. 6. "Romulus ipse etiam optimus augur fuisse traditur." Cic., De Div. I. 2.

[2] "Et reges augures, et postea privati, eodem sacerdotio præditi, rempublicam religionum auctoritate rexerunt." Cic., De Div., I. 40. Compare the description in Legg., II. 12, and that in Liv., I 36.

In the reform which Numa is said to have achieved, and which must have affected the auspices as much as the other articles of religion, he is expressly described as having adhered to the superstition and the obscurity which prevailed in all the heathen creeds.[1] If this were true, it is readily accounted for, not so much by the desire to preserve the majesty of the Patricians in presence of the more numerous classes of their inferiors, as by the simple inability of the reformer to set himself or his Patricians, either, free from the shackles of their ancestors. Numa is not represented as having merely favoured the order to which he belonged and by which he was elected; but as having likewise united the clients and the artisans, by distributing them in different guilds according to their trades;[2] and as having further consecrated the temples to Faith and Terminus,[3] in which all ranks of his vehement people were alike interested. A heavenly bosom, it was told in after times, beat with love for the mortal king; and the nymph Egeria gave him her knowledge[4] in return for his devotion. The more practical testimonies to Numa's excellence are the reports that strangers sought him for their arbitrator, because he was wise and just above their own rulers,[5] and that the doors of the temple which he built to Janus were, in his reign, closed in peace.[6]

[1] Cic., Rep., II. 14. Tertullian., Apol., 21 (cited by Angelo Mai).

[2] Plut., Num., 17.

[3] The god of boundaries. Plut. Num., 16.

[4] She was a wise divinity, δαί μων σοφή, says Plutarch. De Fort. Rom., ed. Reisk., tom. VII. p. 273. "Conjuge felix Nympha." *Ovid.*, *Met.*, XV. 482.

[5] Dion. Hal., II. 76.

[6] Liv., I. 19.

This temple, or rather this arch, beneath which the statue of the two-faced Janus stood, was soon opened in war after Numa's death. Tullus Hostilius, elected king from the Latin, as Numa had been from the Sabine tribe, represents the reaction of the rudeness and violence, inherent in the character of his people, against the temporary restraint they had been compelled to bear. But if he was the fierce warrior,[1] he was also the superstitious and the popular king. He led his forces against many of his neighbours; and though often hard pressed by his enemies, he conquered with the aid of champions like the three Horatii, or of the gods, upon whom, in the hour of need, he was always swift to call. After Alba, the birthplace, it will be remembered, of Romulus, was destroyed, its inhabitants were brought, in part at least, to Rome, and some of the principal men admitted to the Curies, while to others were assigned places amongst the Celeres, and in the army.[2] Tullus sought, it was said, to increase the dignity of his office by assuming, with the consent of the Curies, the insignia common to the monarchs or the magistrates of the surrounding states;[3] while, as if in return for the grant of the Patricians, he was related to have confirmed the right of appeal, which they must have long possessed, from the sentence of the king or his judges to their own assembly.[4] Such

[1] "Feroeior etiam Romulo." Liv., I. 22.

[2] Liv., I. 30. The remark of the historian describes the whole history of Rome: "Roma interim crescit Albæ ruinis."

[3] Cic., Rep., II. 17.

[4] Neither Livy (I. 26) nor Dionysius (III. 22) mentions it as a new right. Cf. Cic., Rep., III. 31; Pro Mil., 3.

traditions describe the spread of independence in spirit amongst the Romans, and the commencement of a more liberal treatment of the people whom they vanquished, in the midst of a flood of strife that rose higher than ever around the seven hills. Strange signs were seen, and fearful calamities occurred; in the midst of which Tullus forgot his prowess, and sought to appease the gods for having spent his days in bloodshed. But when he laid down his arms and turned to prayers, he was struck dead.

Ancus Marcius, the reputed grandson of Numa, succeeded. He, too, was a warrior; for the times and the people required a lusty, not a gentle king;[1] yet he did not seem to return from his campaigns as Tullus did, with the single wish to renew them without a day's repose. On the contrary, Ancus made it his care in the intervals of conflict to provide for such as were willing to live by peaceful occupations. He opened a port at Ostia, whither his dominion already extended; built a prison for the ruffian and the criminal; confirmed the laws which Numa appeared to have made in vain; and left a name renowned for what he had done in peace as well as in war.[2]

The glory of Ancus Marcius was the foundation of the order of the Plebeians. Having overcome, as the nearly authentic story runs, some of the Latin people, he endowed them with certain rights of citizenship, and gave them a dwelling-place upon the Aven-

[1] "Tempora Tullo regi aptiora quam Numæ." Liv., 1. 32.

[2] "Belli paeisque et artibus et gloria par." Liv., 1. 35.

tine.[1] The privileges they received were, it is true, of a very inferior kind, amounting to no more than a domicile with which abundant occupation and limited protection might be connected; for, although the strangers retained their places in their own Gentes, or Names, if any such they had, they were enrolled in none of the Roman Names, and were totally debarred, not only from all political authority, but even from the right of appeal, by which, so long as they were not clients, their personal freedom could alone have been secured. It is not, therefore, as a new infusion of freemen that they can be regarded in the time of their introduction into Rome; yet their number and their spirit were full of promise for the future. The first of them may have been the settlers whom Romulus and his allies conquered before their city could be founded; but the influx of immigrants, voluntary or involuntary, from Alba, had already far surpassed the few that might then have remained of the earlier class; and when a fresh host came flocking in from the Latin towns which Ancus overcame, there were enough of the old comers and the new, to have a title of their own, and to be regarded as a separate part of the Roman people. Many named and numbered with the rest still dwelt upon their former lands, or on as much of these as they were allowed, saved from the overthrow that had befallen them; so that a country population was formed, at the same time that the population of the city was increased by the Plebeians.

[1] Cic., Rep., II. 18. Dion. Hal., III. 43. Liv., I. 33.

The spirit of the new class was more than commensurate with its numbers. Neither they of whom it was at first nor they of whom it was afterwards composed could forget that they had been free before they had been conquered; and their determination to recover themselves in later times is the life-spring of Roman liberty.

The genius of Rome to maintain, as well as to make, its conquests is clear as day in the admission and settlement of the Plebeians. It was not merely that the vanquished were spared, nor even that they were adopted, though as inferiors, by the victors; but it was besides, that the territory which the Romans could neither have tilled nor garrisoned by themselves was cultivated and defended by the very men from whom it had been wrested, because they were allowed to hold a part of it, as if they had never been conquered. We shall see hereafter how the Romans could, at the same time, get the lion's share. For the present, it is more judicious to use the materials we actually have in the legend of Tarquinius, in order to measure the ability of the conquering nation to gain something else than lands or subjects from its wars.

Tarquinius or Tarquin, the fifth king, came to Rome from Etruria, in the reign of Ancus Marcius. He was reputed to be of Greek descent, and the Etruscan wife whom he had espoused was said to be greatly skilled in the divination for which her people were celebrated throughout Italy. Thus armed at all points with knowledge of which the Romans had

never yet attained the use, or even the idea, the stranger took them, as it were, by storm; becoming, first, the friend and chosen counsellor of the king, and then, through liberality—for he was rich as well as learned—and kindly intelligence, securing the favour of every class amongst his new countrymen.[1] Ancus left his children in Tarquin's care; nor was it any violation of the trust he had received, that the guardian became the successor of their father; for, as we have already read, the Curies elected whom they pleased to the throne, and Tarquin, if the tale be true, obtained their votes unasked,—so much had his cultivation and his affability predisposed them in his behalf.[2]

So runs the legend; but there can be no hesitation in declaring that it covers some series of greater events of which the history is gone. If Tarquin came as an immigrant, he must have brought with him a host of followers; if as a conqueror,[3] it must have been at the head of an army which, like their leader, preferred the country they vanquished to that they had left behind them. These are only suppositions; but they rest upon the fact, impossible to be concealed, that the reign of Tarquin was distinguished by great changes in the early civilisation. The city was new-furnished with works of utility and ornament; a forum was built, and a great temple founded

[1] Dion. Hal., iv. 1. Liv., i. 34. Cic., Rep., ii. 20.

[2] "Regnum accipit ob industriam atque elegantiam." Flor., i. 5.

[3] As Müller says, in his Etrusker, Introd., cap. ii. sect. 16; where an ingenious commentary will be found concerning both the Tarquins and Servius Tullius.

on the Capitoline; while the old leaven in the services of religion was restored by the renewal of bloody sacrifices, and the erection of images in places where they could be worshipped. It may be that these were the natural steps for the Romans to have taken, had they been left alone, or brought under the convenient influence at the convenient time; for it seems irrational to suppose that any solitary Tarquin could have persuaded or obliged his people to take them in such a way as characterises the whole history of a nation who never seemed to seek or to welcome their civilisation, but to receive it simply because it came to them at suitable seasons, to minister to their pride, or their material rather than intellectual power. It need scarcely be said, that this coldness on the part of the Romans arose from no perception of the fatal errors which lurked in all the knowledge of ancient days; but any warmth towards civilisation into which they were apparently betrayed was for a long time the result of policy or of actual necessity. A few words may now complete the legend which makes Tarquin, for evident reasons, and notwithstanding the memories of Numa, the author of the Roman civilisation. He came with numerous dependents, or he would have done nothing, who either set the example, or else obliged the Romans to obey them without example, of working upon the new temple, offering the horrid sacrifice, and labouring where they were bid, instead of warring where they willed; it being apparently no matter of choice, but one of compulsion, that the

proposals of the stranger should be fulfilled. The mention in the tradition, of the places whence the knowledge of Tarquin was derived, scarcely needs a commentary. Etruria, the great nation of Italy, was as superior in civilisation as in her dominion, which, north and south, on land and sea, surrounded Rome; and it was, as it is, generally supposed that her torch was lit with Grecian fire, and her sword welded from Grecian steel. It was therefore but a line from history twisted in the legend, that told how Tarquin's father was an artist of Greece, and Tarquin's wife a prophetess of Etruria.

Our narrative must be propped yet a little longer by conjecture; for the policy which Tarquin pursued as king is even more susceptible of various interpretation than his career as a conqueror or an adventurer. Yet no part of the monarchy, could it be cleared of its obscurities, would have more to contribute to our history of liberty. The reader will have observed that the Luceres, the third Tribe of the three supposed to have been gathered in Rome, had not yet obtained an equal footing with the other two. The number of Vestal virgins devoted to the service of the goddess whom we have supposed to be the chosen patroness of Rome was only four; two, that is, for each of the first two Tribes. So the Senate was composed of but two hundred members,—half from the Ramnes, and the other half from the Tities; none, therefore, were taken from the Luceres. If the Luceres were, as is most probable, of Etruscan origin, and Tarquin, as is equally probable, of the same race,

it follows, as a matter of course, that he would have desired and secured their elevation. Two more Vestal virgins were accordingly elected in their name, and a hundred new Senators appointed to be their representatives in the highest assembly of the state.[1] But the inroads of Tarquin upon the old Patrician exclusiveness did not stop here. He doubled the number of the Celeres, already increased from three hundred under Romulus to six hundred under Tullus; and, what is far more extraordinary, he appears to have made up the fresh six hundred of some Plebeians, as well as of Patricians, whom he enrolled together in three new Centuries. The story of the king's consultation with Attus Navius, a famous Augur, is in all the ancient histories; but the manner of repeating it may be varied.[2] "Come, tell me," said Tarquin, "if what I think of can be done." The Augur took his auspices, and answered that it could be. "I was thinking," returned the king, "that a whetstone could be cut with a razor." And in the presence of the king, and of all the people, the whetstone yielded to the cut of the razor in the Augur's hands. It was in consequence that Tarquin succeeded in his purpose of completing the number of the Celeres from the Plebeians; and, as was said, long

[1] Fest., s. v. Sex Vestæ Sac. The name of the new Senators, however, though it may not have been immediately given them, preserved the memory of their later election. "Centum in Patres legit; qui deinde minorum gentium sunt appellati." Liv., I. 35. Dionysius (III. 67) represents Tarquin as having chosen the new Senators from the Plebeians.

[2] On the authority of Cicero, De Divin., I. 17. Cf. Liv., I. 36.

after, there was no cause for the Romans to repent the choice of a stranger to be their king.[1] The arms of Tarquin were as fortunate abroad as his policy at home. His new Centuries were filled with valour; and he had no more reason to regret their elevation than they to regret his rule.

Common report ascribed the death of Tarquin to the vengeance of the sons of Ancus, for his having occupied the throne; a tradition which, arising, perhaps, from some attempt of the Romans to throw off the yoke of the stranger, is every way congenial to the still disturbed condition in which they lived. But the murderers seem to have failed in any other object they may have had beyond the assassination. One of Tarquin's household, concerning whose birth and estate there was, or, at any rate, is, an inextricable confusion in the legends, but who distinctly appears[2] to have been early renowned in war, obtained, though not without considerable intrigue,[3] possession of the royal power. His election, instead of being conducted according to the usual forms, was held without the appointment or the approbation of the Curies;[4] and the reign of Servius Tullius begins as if with the premonitions of a revolution.

[1] Val. Max., III. 4. 2.

[2] Distinctly, because both by the Etruscan and by the Roman version of his story.

[3] "Quasi precario." De Vir. Ill., cap. VII.

[4] "Primus injussu populi (Curies) voluntate Patrum (Senate) regnavit." Liv., I. 41. "Se injussu populi regnare, conciliata prius voluntate Plebis." Ibid., I. 46. Cf. Dion. Hal., IV. 12; and Cic., De Rep., II. 21; where the Curies are described as having invested him afterwards with the Imperium.

It continues, as every one familiar with Roman or even ancient history is aware, with the enlargement of the citizenship, which the Patricians had hitherto engrossed, so as to receive the Plebeians likewise within its pale. The first measures, however, of Servius, like those of all other lawgivers in ancient times, were for relief. He distributed lands amongst the poor[1] whom he also discharged from their debts; and while he left to the creditor the security of his debtor's goods or estates, he took away the right of imprisonment, which must, in those days, have been cruelly and continually exercised.[2] Servius also appointed new judges, taken partly, in all probability, from the Plebeians, to try the private causes he had himself no leisure to decide; such as concerned the whole people, or, as we may add, the different orders of the people, being still cognisable by the royal tribunal.[3] Another achievement, which he must rather have attempted than actually wrought, was the removal of the Patricians from the high ground they occupied to a lower part of the city;[4] an endeavour which, whether on the king's part or not, tells a great deal about conflicts that can never be more precisely told, as they arose, or threatened to arise, between the two great estates of Rome.

The independence of the Plebeians was, to say the least, prepared by the formation of thirty Tribes, four of which included the city, and the other twenty-six the country. It did not need that the three older

[1] Dion. Hal., iv. 13.
[2] Ibid., iv. 9, 10.
[3] Ibid., iv. 25.
[4] Festus, s. v. Patricius Vicus.

Tribes, with their Curies and Names, should be abolished, nor would it have been either just or possible to take them from the Patricians; but it was enough for all present and future purposes, that the Pagus, or Parish,[1] should be the Plebeian Curia, and that the Tribe, composed of the Parishes, should, in some degree, correspond for the Plebeians to the Patrician institution. Every one of the thirty Tribes had its Tribune, each of the Parishes its magistrate; and each was intrusted with the management of sacrifices and ceremonies, which were undoubtedly of much more interest, originally, than any functions that may have been assigned to the Comitia Tributa, the assembly of the Tribes. Probably it was at first optional with the Patricians to have or to refuse their places, likewise, in the Tribes; but there is positive evidence, at a later period, that they were excluded, however desirous they were of admission. Their clients were shut out with them; but, on the other hand, the freedmen, or liberated slaves, were admitted to have their share in the new assembly and its component parts.[2] It will not seem that the institution of the Tribes, however moderate their powers, was an insignificant gain to the Plebeians, if it be considered how much it assisted them to meet together, to count their resources and to prepare their demands. Two really important duties were furthermore en-

[1] Which is not a very good word for it, inasmuch as the idea of the Pagus ought to include that of a fortification. It was of much older institution than Servius's reign. Dion. Hal., II. 76. The name of the four city Tribes, Vicus, is better so translated.

[2] They were enrolled in the city Tribes. Dion. Hal., IV. 22.

trusted to the assembly soon after its formation: one, of fixing the Tributum, or property tax; the other, of providing for the military levies for which the tax was chiefly raised. Whatever resolution was passed concerning these or any other affairs, lawfully subject to such deliberation, was called a Plebiscitum, a Decree of the Plebeians; and as it was independent of the action of any other body than their own, its discussion and its passage were of the most stirring influence in creating the self-relying spirit which the Plebeians most needed to feel and to obey.[1]

The first institution in favour of the Plebeians was soon followed by another much less evidently conceived in their behalf. So long as the Tribes and the Curies continued as they then were, there could be little opportunity for any true concord between the two orders to which they separately belonged; the more so as the preponderance of power, manifest on the Patrician side, would lead either to bitter assault or else to degrading negligence on the part of the Plebeians, disturbed, no doubt, as were the whole people, beyond all previous commotions, both by the election of Servius Tullius and by his establishment of the Tribes, which is supposed to have been accomplished before a third assembly was, as we shall immediately see, created. The mention remains of fifty laws[2] by which Servius attempted to promote the intercourse and the good-will he desired to behold

[1] The best account, by far, of the Tribes is that by Niebuhr in his first volume; from which all my most important statements are derived.

[2] Dion. Hal., IV. 13.

amongst those he governed; but even without giving him the credit he seems most fully to deserve for generosity and justice, it is perfectly conceivable, that the king, who had put on the crown without the consent, and was then wielding the sceptre against the will, of the main body of the Patricians, would feel the necessity of strengthening himself, not merely by favouring the class which favoured him, but by breaking up the associations of that in which his adversaries were numbered.

The new institution, to serve at once as the connection between the two estates and the disruption of the old Patrician bonds, was the assembly which Servius now constituted, of the Centuries. He commanded, it is said, an account, which he called the Census, to be taken of the Romans, their numbers, and their fortunes; and when this was done, he divided the whole people into a certain number of Centuries, as they were styled, from their nominally containing each one hundred men. These divisions were in form entirely, and in design chiefly, military; some were of horse, others of foot soldiers; and when they met together, they came, at the blowing of a horn, in arms. It is very doubtful, indeed, if the Comitia Centuriata, that is, the assembly of the Centuries, had anything else to do, when it was created, but to gather its members for the campaign or for the martial festival. Yet its purpose was by no means of a kind to be fulfilled exclusively in war or warlike duty. It was based on property, and though raised, indeed, as it were on bucklers, was

seen to provide a more equitable system than had yet appeared, of rendering the services which the state claimed from its citizens besides those of the field. These were the pecuniary, as the other were the military, obligations of every man admitted to any place of honour or respectability; and we may now proceed to trace how the manner of fulfilling both, that is, of paying taxes and serving campaigns, was to the advantage of the freedom we seek in Rome.

The first Centuries in rank, by reason partly of their birth, but principally of their property, were those of the Celeres, or the Knights, eighteen in number. The three Centuries of Romulus, all, as will be recollected, of Patricians, with the three added to these by Tarquin, and composed in part, as is merely probable, of Plebeians, were left by Servius where he found them at the head of the Census;[1] while twelve new ones were formed from the chief men of the state, to use the words of the historian,[2] who were undoubtedly the richest rather than the noblest, and so of Plebeian as well as Patrician birth. If the new Centuries, like the old, severally contained two hundred, the whole number of Knights was now in all thirty-six hundred, each of whom received a horse and the means of its support at public charge.[3] The

[1] Under the new name, however, of the Sex Suffragia.

[2] "Ex primoribus civitatis." Liv. I. 43.

[3] Or, more precisely, the support of the horse was defrayed by a tax on widows and orphans, of whom the Knight was supposed to be the defender. Cic., De Rep., II. 20. Plut., Publ., 12. Livy seems to make them belong to the richer classes only: "Hæc omnia in dites a pauperibus inclinata opera." I. 43. The tax was repealed by Valerius Publicola. Plut., *loc. cit.*

infantry was divided into five classes, armed and equipped according to property alone; each class comprising a certain number of Centuries, which, again, were classified half and half, according to their composition, whether of Elders, from forty-five years upwards, or of Juniors, between the ages of forty-five and seventeen.[1] Of the five classes, the first contained eighty Centuries, whose members were severally worth one hundred thousand asses, and whose equipment was a complete suit of bronze armour; the second included twenty Centuries, distinguished from the first, in arms, by wooden shields and the absence of coats of mail, and in property, by being rated at seventy-five thousand asses or upwards to one hundred thousand; the third class, likewise of twenty Centuries, wore no greaves, and possessed from fifty to seventy-five thousand asses; the fourth, of the same number of Centuries, embraced those whose qualification was from twenty-five to fifty thousand asses, but whose arms were only the pike and the javelin; while the fifth class, of thirty Centuries, had only twelve thousand five hundred asses for their property, and only slings and darts for their weapons. The clients may have been enrolled with their patrons or by themselves; but it is not certain that they were at first admitted to the Centuries. Besides the one hundred and seventy Centuries enumerated, of which the first one hundred and forty, or the first four classes, formed the Phalanx, that is, the main body of the

[1] As a general rule, the Juniors served in the field, the Elders in the defence of the city.

army, there were four others of mechanics and musicians, attached to one or another of the upper classes.[1] A sixth class contained, according to our best authority,[2] but a single century of the Capite Censi, or proletarians, whose miserable fortunes barely entitled them at all to a place in the Census.[3] It is scarcely necessary to remark that there were many in Rome, such as the traders and the workmen, with those called Ærarians, in addition to the slaves, who were not included in any way among the Centuries.[4]

These details are not the most enlivening to read; yet they lie at the foundation, which this book is intended to describe, of Roman liberty. Hard was the labour of their monarch to work them into the form they wear in history; and harder still the struggle, doubtless, through which he and his adherents came out victorious against the opponents of the new constitution. Yet the change it wrought is not to be overrated; and the reader who will take the pains to sum up the numbers of the preceding account will find that the Centuries of the Knights and of the first

[1] The Accensi or Velati were in a Century taken from, not joined to, the fifth class, to act as a reserve and supply the places of the slain. See also Festus, s. v. Adscriptitii.

[2] Dion. Hal., IV. 18. Cf. Cic., De Rep., II. 22.

[3] As for the value of the as in modern currency, it is wellnigh impossible to make an accurate account. The writer of the latest history of Rome, Dr. Schmitz, reckons it at about three quarters of a penny. 100,000 asses were probably equivalent to a little more than 300*l.*

[4] On the various classes, as here described, reference must be made to Livy, I. 43; Dion. Hal., IV. 16 *et seq.*; Cic., De Rep., II. 22. I have also consulted most of the modern writers on Roman history.

class amounted to so decided a majority over the rest, that, if they were united—or if even a sufficient number of them were supported by their clients, when these were also in the Centuries—the lower classes were powerless. The spirit of the new assembly may be further tested by observing that the Elders and the Juniors exactly divided the Centuries between them, although one class must have much outnumbered the other; but the authority of age was obeyed in Rome long before the Centuries were ever planned. As already remarked, however, the new institution was, in its beginning, little more than a new organisation of the public forces; and it would be but anticipating its operation at a later period, to speak of the Patrician influence which was still preserved at the election or the deliberation. There is no doubt but that the Patricians still maintained the upper hand, forming, as they did, the great proportion of the higher Centuries; yet there is no weightier doubt but that the Plebeians, clustered together in the Phalanx, were henceforth able to resist, or, at all events, to prepare to resist, the cavalry or the men-at-arms, their fellow-soldiers and still their adversaries.[1]

In describing the assembly of the Tribes, it was observed that the chief article of the consultations they held in their rude way must have been the provision of the Tributum, that is, the tax on property,

[1] "Das gesammte Volk, welches sich gegen den Feind bewaffnen kann, und zwar nach dem Maasse in dem es sich zu bewaffnen das Vermögen hat, zum Antheil an der Herrschaft aufgerufen, &c. Müller, Etrusker, II. 2. 12. Cf. Ruperti, Röm. Alt., vol. II. p. 67.

the method of raising it, and, in some instances, the amount to raise. This had been long imposed on individuals in equal portions for the rich and the poor, until, by the Census of Servius Tullius, it was more justly ordered to be graduated according to the fortune or the poverty of every citizen.[1] It is true that the tax was laid upon real property, in such a manner, that, while the debtor was taxed for his mortgage or his debt, the public land in possession of the richer Patricians was exempt from impost; but the land was, at least nominally, held under other obligations, of which we shall take our account at a later moment; and for the present, it was as much as could have been naturally yielded by the Patricians, that the downright beggar should be spared the burdens they bore themselves.[2] In after times, if not in these, the Senate ordered the tax, and committed its collection amongst the Tribes to the Tribunes, or the Ærarian Tribunes, as they were named, after the Ærarium, or Treasury, of which they became the ministers; but the Tribes themselves could reject the burden they thought unjust, or, perhaps, avoidable:[3] thus far, at least, though not, perhaps, under the monarchy, the Plebeians drew or loosened their own purse-strings.

[1] "Censum enim instituit, rem saluberrimam tanto futuro imperio: ex quo belli pacisque munia non viritim ut ante, sed pro habitu pecuniarum fierent." Liv., I. 42. "Tribus appellavit, ut ego arbitror, ab tributo; nam ejus quoque æqualiter ex censu conferendi ab eodem inita ratio est." Ibid., 43. Cf. Dion. Hal., IV. 22.

[2] It is a little uncertain, perhaps, whether the Patricians paid any of this tax until the time of the Commonwealth. Liv. IV. 60.

[3] Dion. Hal., IV. 14, 15. Liv., V. 12.

These changes which Servius wrought are almost too numerous and too profound to be regarded as the work of a single king, especially in the government of a confused and turbulent people. Consciously or unconsciously, he had set the seal upon the promises already discernible of the wonderful destiny in preparation for the Roman nation, by bringing them from out their embryo existence into the sight of law and confidence and maturity. He was the great king of the line which governed Rome;[1] nor only as the ruler, but as the warrior, of the same ardent heart in the hour of horror which bore him through the hour of reform. He revenged his people upon their Etruscan enemies, and was, perhaps, in reality, as in dim tradition, the liberator as well as the lawgiver of his people;[2] and it appears, besides, that he loved a free so much better than a monarchical government, as to propose either to lay down his power or else to establish two magistrates to succeed him when he died.[3] Under such a monarch the people of every class were stirred; some, perhaps, like him, to wisdom,—more, undoubtedly, like him also, to war,—but all, like a boiling and overboiling fluid, above the never-ceasing fire, to find new issues for its strength or steam. But there were none among the heated people to save the life of Servius, or to protect his corpse from dishonour, when his daughter

[1] "Præcipuus Servius Tullius sanctor legum fuit." Tac., Ann., III. 26.

[2] According to our previous conjecture, not worth the attempt of being proved, from various signs we have, that Tarquin was an Etruscan conqueror of Rome.

[3] Liv., I. 48, 60.

and his daughter's husband wreaked murder and outrage upon their father.

The legend, here, tells something more. It represents the Patricians, or some of their number, as joining in the conspiracy against the king who had given others besides themselves a seed-time and a harvest in the state of Rome; and warrants the presumption that another revolution took place under the second Tarquin, the son, rather the grandson, of the first, supported by the principal men, who preferred a violent monarchy under their own influence to a temperate one inclining towards the interests of the Plebeians. The character of the rulers and the condition of the inferior classes at that time is but too grievously described in the tradition that Tarquin the assassin became the king. It is true that there appears to have been no formal election,[1] but there was no resistance: and Servius would almost seem to have been forgotten, had not the new monarch received the name of Superbus, or the Proud; though this epithet may have been of later invention.

Whoever Tarquin was, and however he obtained the throne, he was evidently a powerful and a magnificent sovereign. The great buildings he began or finished were long the pride of the city accustomed to smaller temples and meaner dwellings; while the numbers of the people increased, and their occupations, doubtless, extended with his conquests. These

[1] "Ut qui neque populi jussu neque auctoribus Patribus regnavit." Liv. i. 49.

were vast beyond all that had hitherto been gained; and even the splendours of the elder Tarquin, as a conqueror, grew pale in contrast with the bale-fires which the younger lighted over all the country nearest Rome. The Latins yielded to his arms; other states submitted and gave him their aid;[1] and the trophies of his winning were the inspiration of the same minstrels who sang of his darker deeds. If he were a stranger, however, as his namesake seems to have been, the number of his victories and the spread of his dominions were to his glory, as it was called, rather than to that of Rome or any other city which he ruled. Perhaps this story is to be regarded only as another lesson to the Romans of what could be done in war.

Stranger or Roman, Tarquin was remembered as a tyrant, whose magnificence resulted from oppression and sanguinary wrongs. He was said to have forced the lower classes to labour on his temples and sewers, which he became so earnest to complete that he also set his soldiers and mercenaries to dig and build. Some of the Plebeians were conciliated by grants of conquered lands; but the repeal of Servius's laws concerning the safety of the debtor, as well as the interference which Tarquin chose to make with the festivals and the assemblies of the whole people, were more than could be borne.[2] Yet the Plebeians would have been unable to redress their grievances, if the Patricians had not, themselves, as the legends relate, been still more shockingly wronged. These were

[1] Liv., I. 49. [2] Dion. Hal., IV. 43 *et seq.*

at first, perhaps, delighted with the overthrow of the institutions which Servius had raised against their will; but when Tarquin began to use them even more tyrannically than the Plebeians, despoiling some, exiling others, and even slaying, as is told, the chief amongst them, it was too bold a trial of men long accustomed to feel that their kings belonged to them as much as they did to their kings.

Still the Patricians delayed the revenge which it would have been more natural for the tradition to represent, as instantly sought and as instantly executed. The Senate seemed to meet only to quail at their own diminished numbers and broken spirits;[1] and the younger men avoided one another, or else came together to bewail their fate, rather than to resolve its alleviation. Such, at least, is to be gathered from the narrative, whose exaggerations are too palpable to require contradiction; but it may not be irrelevant to repeat the surmise, that these details might have belonged to a broken legend of conquest under which the Romans suffered for some bitter years. The story of Lucretia is scarcely worth repetition, not only because it is too well known, but because it forms too lame a conclusion to the tyranny of which it purports to relate the overthrow. The eldest of the king's sons, Sextus, already stained with blood and cruelty, excited by the virtue rather than by the beauty of his own kins-

[1] Dion Cass., Fragm. Peirese., 23.

Dion Cassius, a native of Bithynia, but a magistrate and a senator of Rome, died at his birthplace some time after A. D. 230, being at least seventy-five years old. A third part of this long life was spent in preparing and completing his Roman history.

woman, the wife of his cousin Tarquinius Collatinus, came to the simple dwelling at Collatia, where Lucretia lived, in the midst of her handmaids, and forced her compliance with his lusts.[1] She summoned her husband and her father, Lucretius, as soon as the ravisher departed; and when they, with their companions, Valerius and Brutus, had heard her dishonour from her own lips, she stabbed herself dead before them; the first, too many have repeated,[2] as if her deed were praiseworthy, to strike a blow for the liberty of Rome. One of those who beheld Lucretia fall was a kinsman of the husband, and a nephew of the king. This was Brutus, a severe[3] and, as sometimes described, a stolid man, who had lived impatient of his uncle's tyranny, yet in high office himself, as the Tribune of the Celeres. The first to draw the knife from its fatal wound, he held it up, and swore, by the blood upon its blade, to pursue Tarquin and his race from Rome, where "none," he cried, "shall reign henceforward!"[4] The three who listened to the vow repeated it at Brutus's dictation, and straightway followed him to Rome. It was easy to fulfil the designs with which they were inspired; for the king was absent with his army, and Brutus, as the Tribune

[1] The inconsistencies of the story are exposed by Verri, in the Notti Romane, Nott. II. Coll. 6.

[2] So the Italian poetess, Zappi:

"Il ferro acquistator di libertate
Fu la prima a snudar l' inclita donna;"

lines which are neither womanly nor Christian.

[3] "Festus says, that Brutus, in old Latin, was synonymous with Gravis. . . . . It is very possible that its early signification, as a cognomen, may have differed very little from that of Severus." Arnold's Hist., vol. I. note on p. 104.

[4] Liv., I. 59.

of the Celeres, nor only he, but Lucretius, then the Prince of the Senate,[1] could do what either pleased, without exciting unnecessary alarm. The people[2] were forthwith called, and the proposal made them, that Tarquin and his family should be expelled for ever, was adopted in a spirit becoming men and Romans.[3]

The reigns of the seven kings are recorded to have filled the space of two hundred and forty-four years; but of their chronology little remained besides the day when Rome was founded, the time when Servius Tullius was born, and the king's flight,[4]—the last day of the Monarchy, the first of the Commonwealth of Rome.

[1] Tac., Ann., VI. 11. Liv., I. 59.

[2] In which assembly is uncertain, but probably in the Curies. Dion. Hal., IV. 75. Cf. 84.

[3] "Quod viros, quod Romanos deceret." Liv., I. 59.

[4] "Regifugium." Festus. Ovid., Fast., II. 685.

CHAPTER III.

THE PATRICIAN REVOLUTION.

"Since kings cannot pretend to any right to do mischief, the right of the people must be acknowledged, according to the law of nature, to be superior to that of princes."—MILTON, *Def. Peop. Engl.*, ch. v.

IF the preceding account of the kings appear to have been constructed of too traditionary materials, there is yet some security in the prominence they give to the better points of the Monarchy. The difference in the stories of Romulus and of Servius Tullius is the difference between a people of ruffians and one of improving men; and though it be true that at the beginning of the Commonwealth, as during the Monarchy, there stands a single class superior to the rest of the people, the rise of the Patricians upon the downfall of the kings is to be explained only by the changes they had undergone in point both of numbers and of ideas, since the day when they received their name; this expansion within themselves having made them the first to resist tyranny and the first to profit by its overthrow. Nor is the well-spiced legend of the latter Tarquin to overpower the simpler and the juster memories which belong to the infancy of Rome beneath her kings.[1] They had been boisterous

[1] "Quasi infantia sub regibus septem." Flor., I. 8.

warriors, and perhaps, in spite of traditions, but unskilful legislators; yet the part they bore in supplying the resolution then wanted above all things possible was, whether they chose or not to have it so, both the protection and the direction of their countrymen. Our interest, however, is more warmly aroused by the struggle and the vigour of the restless years which begin with the Commonwealth; nor need it be shaken because the first uses of the increased freedom were mistaken and barbarous.

The time had long passed since the wolf could seek a covert or the shepherd find a home on the seven hills; though there were still large open spaces upon which the wood yet stood, or where the grain might yet grow in the unencumbered soil. In the portion occupied by buildings, each temple and many of the dwellings were surrounded by vacant land, some ways alone about the Forum being crowded thick with houses, which the poor occupied almost promiscuously. The temple, the circus, and the subterranean Cloaca, rather an avenue than a drain beneath the Forum, bore witness to the necessities and the comparative refinements of the people; but no work since Romulus marked his wall so indicated the character and the employment of its authors as the long line of ramparts, stretching even beyond the Tiber, ascending, descending, and clamping hill to hill. The changes without the wall were as striking as those within. It was not merely that the territory of the city was enlarged, but that the vestiges of states, with which, as well as towns, the country had been overspread

three centuries before, were gone, at least from the vicinity of the hills. Old forts or barriers had been preserved; but dwellings had fallen or been demolished to supply the fortification with repairs and new materials. Some of the Plebeians, however, still lived where their ancestors had been overcome; but the woods or pastures of the Patricians stretched wider wherever the dominion of their state extended.

It is equally impossible to mark the boundary as to number the population belonging to the Roman territory under its last king; for his banishment, as we shall soon read, gave rise to great disasters. These, however, had not yet occurred in all their violence when the Census, taken in the first year of the Commonwealth, returned one hundred and thirty thousand citizens as capable of bearing arms.[1] This is almost undoubtedly an exaggerated estimate, to which the ancient writer, familiar with later history, very naturally inclined; and unless it include the citizens of the states allied to Rome, it can scarcely be accepted as indicating the number of warriors even at the close of the Monarchy, when many could be counted whom a few months detached from their transitory allegiance. Supposing the people, after the shocks of the revolution were passed, to be about two hundred thousand in all, the largest proportion of this number was unquestionably composed of Plebeians, whom the Patricians, even with their clients, would scarcely equal; while the slaves were yet too

[1] Dion. Hal., v. 20.

few to be reckoned as any considerable part of the population. These are the only statistics which, though partly imaginary, can be of any advantage to the intelligence of the events which followed the revolution against the Roman monarchy.

Near the close of the last reign, an embassy, consisting of the king's two younger sons and their relation Brutus, was sent, as the story ran, to Delphi, for the purpose of consulting the oracle upon some recent prodigies by which the royal family had been alarmed. After their mission was fulfilled, the sons of Tarquin, desirous, it seems, of learning to whom their father's power was destined to descend, asked of the oracle the knowledge it was supposed efficient to impart. But when the answer came, that he who first embraced his mother should reign at Rome, their companion, Brutus, pretended to fall by chance, and kissed the earth he thought the common parent of them all. The man thus eager to fulfil the condition which the oracle imposed on the attainment of supreme dominion at Rome[1] was the same who swore revenge over Lucretia's corpse, the hero of the revolution by which the Tarquins were expelled, and of which the only object, if the spirit of the followers resembled that which their leader[2] shewed at Delphi, was to transfer the authority of the monarch to the Patricians. Brutus would as soon have thought of recalling the king, as of permitting,

[1] "Imperium summum Romæ." Liv., I. 56.

[2] Brutus is expressly described as a Patrician in Dion. Hal., IV. 71, 81.

much more promoting, the election of a Plebeian Consul.

The Consuls, or, as they were called for sixty years, the Prætors,[1] must be regarded as having been, at first, the successors of the king. Livy fervently begins the second book of his history with much rejoicing that he had thereafter to write of the "free Roman people;"[2] yet he straightway confesses that their new liberty consisted in the limitation of the term rather than of the power of the supreme magistracy.[3] The exultation and the reflection of the old historian are equally reasonable; yet he did not quite sufficiently describe the nature of the change to the Commonwealth. It was the assembly of the Centuries over which Lucretius presided as Interrex[4] at the election of the first Consuls; and that it should have been the Centuries formed of all classes, instead of the Patrician Curies, who had always elected and confirmed the kings, was in itself a revolution worthy of all hopeful anticipations. Brutus and Tarquinius Collatinus, the husband and the avenger of Lucretia, were returned as Consuls; and their first act, after gathering their lictors, was to make the people or the Patricians swear that they would suffer no one to reign, or, if dangerous to freedom, even to live in

[1] In their capacity as generals. Göttling, Röm. Staatsv., sect. 99.

[2] "Liberi populi Romani." II. 1.

[3] "Libertatis autem originem inde magis, quia annuum imperium consulare factum est, quam quod deminutum quidquam sit ex regia potestate, numeres." Ibid. Cf. Plut., Publ., 1. As Machiavelli says, "Vennero a cacciare di Roma il nome e non la potestà regia." Disc. sop. Tit. Liv., 1. cap. 2.

[4] Dion. Hal., IV. 84.

Rome.[1] The authority of the Consuls themselves was hedged about with what were thought sufficient safeguards. Elected by the Centuries, as has been stated, they were then to be invested with their commission by the Curies and solemnly inaugurated by the Augurs in the Capitol,[2] where, probably, they took the oath which was further required from them, that they would be faithful to the laws.[3] After these various ceremonies, they could rule, or judge, or lead, as if they reigned;[4] and the similitude they bore the king of old was the more remarkable, in that the dignity, if not the authority, of their office was attached to each of the two separately, for alternate months in the city or alternate days in the field.[5] One part only of the royalty was abstracted from the consulate, by the creation of the sacrificial king to preside at some of the public ceremonies of religion;[6] and the priestly power of the Consuls was confined to the auspices, in which they were entitled, however, to participate as Patricians rather than as magistrates. Politically, they were more powerful, nor only by themselves, but in connection with the Senate and the two principal assemblies, the Curies

[1] Liv., I. 60, II. 1, 2; Dion. Hal., IV. 85.

[2] Dion. Hal., II. 6.

[3] An oath afterwards exacted of all the Roman magistrates: "Magistratum autem plus quinque dies, nisi qui jurasset in leges, non licebat gerere." Liv., XXXI. 50.

[4] "Qui nunc regnant." Cic., De Legg., III. 2. "Summum imperium, summam auctoritatem, gubernaculaque reipublicæ," &c. Ibid., Pro Muren., 35.

[5] Dion. Hal., IX. 43. Liv., II. 1, XXII. 41. Sometimes it was otherwise. Liv., III. 70.

[6] Rex sacrificulus. He was elected in the Comitia Calata, under the presidency of the High Pontiff, to whom he was subordinate. Aul. Gell., XV. 27. Liv., II. 1.

and the Centuries,[1] over all which, in the early times, their nominal supremacy extended, yet by which, likewise, they were themselves, as the agents or leaders of the Patrician order, both elected and controlled.[2] It was the pleasant fiction in after days, that the Consuls appointed to these high powers were so named that they might remember the duty bounden on them above all others, to consult the good of their country.[3]

Through the new magistracy and the older assemblies, even through that of the Centuries, the liberty of Rome was still the possession of the Patricians.[4] Nor was it merely on these political supports that their authority and their capacity were raised pre-eminent above their countrymen, but by their personal privileges, which gave them an exclusive hold upon the auspices and the social ties of the state they called a Commonwealth.[5] Even the richer Plebeians who rose to knighthood, and then to the Senate, as happened in the same year of the revolution,[6] will

[1] Over whose elections, especially, the Consul, as the presiding officer, could exercise great control. See Liv., III. 21.

[2] See Cic., Pro Sext., 65.

[3] "That their chief title," writes Sir Walter Raleigh, "might remember them of their place, which was to be always mindful of their citizens' welfare." Hist. World, book IV. ch. vii. "Dicti sunt ab eo quod plurimum reipublicæ consulerent." Digest. lib. I. tit. 2, sect. ii. "Ollis salus populi suprema lex esto." Cic., De Legg., III. 3.

[4] So Vico: "La Libertà de' Signori da' lor Tiranni, non già la Libertà del Popolo da' Signori." Scienza Nuova, lib. I.

[5] "Penes principes tota respublica." Cic., De Rep., II. 37.

[6] The name of the newly chosen Senators was Conscripti. Hence Patres [et] Conscripti; finally changed to Patres Conscripti. Liv., II. 1. Festus, s. v. Qui Patres. Dion. Hal., V. 13.

not be worth following to their new places, so readily do most of them appear to have joined hands with the Patricians; it being, in fact, nearly certain that none were elevated but such as shewed their willingness to renounce their associations with the Plebeians.[1] A great deal is told us in the report, that many of the lower estate went over to the exiled king;[2] for there would have been no refugees, had the Patricians used their power with any decent moderation. Yet though the Plebeians were still nearly helpless, some of the cords around them were severed; the laws of Servius were renewed; the tribunals and the festivals of olden time were restored; and some possessions in lands and stores, that appear to have belonged to the Tarquins, were soon after distributed amongst the poor.[3] Weeds, as they were esteemed, the Plebeians were destined to be the better growth of Rome.

With the exception of the Plebeians whose desertion, as we have reason to suppose, to Tarquin was the only expedient they had of safety, there were no other movements in his behalf than amongst the Patricians themselves. It is of course doubtful how far any explanation can be made of the motives to discontentment, easy, indeed, to conjecture, if we remember that they who had been in the highest favour with the king would naturally be most suspiciously regarded, and perhaps most insolently treated, after

[1] The order of the Knights was thus the Seminarium Senatus. Liv., XVII. 61.

[2] Dion. Hal., v. 26.

[3] Dion. Hal., v. 2. Plin., Nat. Hist., XVIII. 4.

his flight. A conspiracy was formed, in which the sons of Brutus and the nephews of his colleague, Collatinus, engaged to restore the exiled monarch; but the unfaithful Patricians were detected and brought to punishment. Brutus, though not obliged to sit in judgment upon his sons, chose to give his countrymen and their posterity an example of the patriotism he would have them imitate; and yet the father's heart was touched in the midst of what was considered the Consul's heroism.[1] He was faithful, indeed, to the highest duty of which he was aware; and his name remained a watchword, as long as a Roman survived, to that unshrinking devotion to the Commonwealth which worked both the noblest and the fearfullest deeds in the history of Rome.[2] The milder nature of Collatinus revolted at what he esteemed to be but barbarous obedience to the laws, and sought to save his nephews, even after Brutus had sacrificed his sons; but the people pronounced their doom, and Collatinus himself was forced to resign his consulship and go into exile.[3] The warning against a wavering service to the Commonwealth was contained in the story of his humiliation.

[1] "Eminente patrio animo inter publicæ pœnæ ministerium." Liv., II. 5.

Three lines from Leandro Moratin describe the other aspect of the scene:—

"Mudo terror al vulgo circunstante
Ocupa. Bruto se levanta y dice:
'Gracias, Jove immortal, ya es libre Roma!'"

Cf. the Æn., v. 821 *et seq.*

[2] Μηκέτι τὰ τῶν τυράννων, ἀλλὰ τὰ τῆς πόλεως φρονεῖν, "No longer to mind the interests of tyrants, but those of the state." Dion. Hal., v. 13.

[3] Plut., Publ., 3, 7.

Publius Valerius, another spectator of Lucretia's death, was chosen in the room of the deposed Consul; and Brutus dying not long after, in battle against the Etruscans, Valerius became the principal personage in the Commonwealth. He was of so just a character, apparently,[1] that many of the Patricians mistrusted his intentions towards them, or rather towards the abuses of which they were guilty; and although he made some formal concession to their authority, perhaps, as the story goes, by ordering his lictors to lower their fasces in presence of the Curies, in token of his dependence upon the order to which he belonged, nevertheless, when the Patricians, or the better disposed, shewed that they were ready to follow him, he brought his famous laws before the Centuries. Two evils appear to have been most urgently in need of a remedy, or rather two in one—which was the insecurity of the Commonwealth, so long as the Patricians were maltreating the Plebeians, and the members of both classes were leaning towards a reconciliation with the dethroned king. Accordingly, Valerius proposed two laws — one granting the right of appeal "from a magistrate," as the phrase was, "to the people,"—the other forbidding the election of any magistrate unless by general consent, with more especial penalties against attempts to restore the fallen

[1] Only apparently; for the common story ran, that his building a great house of stone upon the Velian hill above the Forum was the cause of their suspicion. But the same story made him out so poor that he left nothing to pay for his funeral. Val. Max., IV. 4. 1. Liv., III. 16.

or to raise a new monarchy.[1] The latter law requires no commentary; but the former would be unintelligible without one. Not only had the privilege of appeal to the Curies been in possession of the Patricians from time almost immemorial, but it had also been possible, as it appears for them, and perhaps for the Plebeians likewise, to appeal from the sentence of one to the decision of another officer, military or judicial, as he might be during the kingly period.[2] The appeal to an assembly, however, was considered as much more important a right than that to a magistrate as trial by jury is than trial before a single judge; and it was this which the law of Valerius secured to the Plebeians, by giving them their appeal, either to the Centuries, or, as is much more probable, to the Tribes;[3] either of which, if convened for a trial, would be presided over by the Quæstors, as they were called, of Parricide,[4] two especial magistrates, elected by the Curies.[5] The operation of these laws, to be witnessed as we prosecute our history, will prove that Valerius deserved the name he gained by their proposal, of the People's Friend.[6] With the Plebeians the memory of the homes they had abandoned and

[1] Plut., Publ., 11. Dion. Hal., v. 19. Liv., II. 8.

[2] The appeal to the assembly was called Provocatio; that to the magistrate Appellatio, of which there is a later instance in Liv., III. 13. It may have been of later origin than above described.

[3] See references in note 1, above, and those in Niebuhr's notes 1177, 1178, vol. I. Göttling makes the appeal to the Centuries. Röm. Staatsv., sect. 100.

[4] Festus, s. vv. Quæstores, Parici. "Nam parricida non utique is, qui parentem occidisset, dicebatur, sed qualemcumque hominem," &c., after the law of Numa.

[5] Tac., Ann., XI. 22.

[6] Publicola; which he obtained in consequence of his legislation. Liv., II. 8. He was the author of

the rights they had surrendered must, at last, have been exchanged for the hope of the rights and the homes to be had in Rome. The Commonwealth rested upon the Valerian laws.[1]

The fair features of the early Commonwealth are tinted with the kindliness and the justice of which Valerius appears to have been the champion;[2] but there are darker aspects to which we must turn, covered with shadows cast on them, at first, by wars. Of the large number of subject or allied towns which an ancient treaty with Carthage[3] describes as having been in the dependence of Rome, during the first months after the revolution, the greater part were soon in arms against their ally or mistress. Many joined their forces with those of the Tarquins, eager to humble the people by whom they had been conquered or in some way mortified; and at the first opportunity, one third, at least, of the Roman Tribes themselves[4] returned to their older alliance or independence. This opportunity of revolt and of revenge was given to the enemies of Rome by Porsena, the

other laws. Ibid., and Plut., Publ., 11, 12.

[1] Βεβαίαν τε πίστιν ὑπὲρ τῆς ἐλευθερίας τοὺς δημοτικοὺς λαβεῖν, "Inasmuch as the Plebeians gained a sure confidence in their freedom." Dion. Hal., v. 19.

[2] "Æquo et modesto jure agitatum." Sallust., Frag. Hist., lib. I. See Liv., II. 9.

Sallust, born in A. C. 86, and dying in 34, wrote five books of Histories (Historiæ), besides the War of Jugurtha and the Conspiracy of Catiline. See book III. ch. 7, of this history.

[3] Polyb., III. 22.

Polybius, an Arcadian by birth, came to Rome in A. C. 167, as one of the Achæan exiles. He wrote his history of the contemporary period from A. C. 220 to 146, in his old age.

[4] Livy (II. 21) mentions the first increase from the number of twenty Tribes. Under Servius there had been thirty. It is probable that the lost ten were Etruscan.

Lars or prince of the Etruscan Clusium, who undertook, it was said, to restore his brother monarch, by invading the territory and storming the city from which Tarquin had been expelled. The day of trial was unclouded in the traditions of later years. A single Patrician, with two companions, was able to keep back the "long array of spears," as it pressed down from the Janiculum to the bridge leading into the very heart of Rome; nor did "the hero of the river-side"[1] turn from the foe until the bridge had fallen, and his countrymen stood safe on the other shore, to welcome him as he swam the waves unharmed.[2] But the bravery of Horatius Cocles, however much it was rewarded and extolled, could not foil the host which Porsena commanded; nor was the resolution of Mucius or the virgin Clœlia[3] sufficient to avert the humiliating terms which the Romans, worn and deserted, accepted from their conqueror.[4] Nevertheless, Tarquin was not restored; and the Etruscans, defeated in the South, were obliged to

[1] Ἀριστεὺς παραποτάμιος. Plut., De Fort. Rom., ed. Reisk., tom. VII. 259.

[2] Every one knows Mr. Macaulay's gallant Lay of Horatius; but the following lines, from a sonnet by Arguijo, are not so familiar:—

"Oigo del roto puente el son fragoso,
Cuando al Tibre el varon se precipita
Armado, y sale de él con nueva gloria;
Y al mismo tiempo escucho del gozoso
Pueblo las voces, que aclamando grita:
Viva Horacio! de Horacio es la victoria!"

See Liv., II. 10, and Polyb., Rel., VI. 55.

[3] Mucius attempted to assassinate Porsena; Clœlia, one of the Roman hostages, escaped by her daring. Liv., II. 12, 13.

[4] "Dedita urbe." Tac., Hist., III. 72. Plin., Nat. Hist., XXXIV. 39. Dion. Hal., V. 35.

evacuate Rome, which they left a city of but twenty instead of thirty Tribes.

The loss of territory in consequence of Porsena's invasion was a trifling evil compared with losses in industry and individual independence. Peace failed; then labour; then bread; then hope. Warfare continued without intermission,[1] not only with the Etruscans, but with the Sabines, the Auruncians, the Latins,—with all, in short, who had been provoked in the time of prosperity. Every week brought the beginning or the end of a campaign, the exultations of victory or the lamentations of defeat; and it seems as if there were no other sight to see but triumphs or corpses, no other sound to hear but shouts and the clang of arms. It was fit, indeed, that these things should constitute the training of the Romans to the service required at their hands; but the truth has been allowed to remain clear, that the circumstances which make a people warlike to their enemies bring hate and wretchedness amongst themselves. There were sorrows in Rome for the loss of friends; passions for the loss of lands or fortunes; sufferings for the loss of harvests and actual necessities: and for the gains to be had, other sufferings, other passions, and other sorrows were indispensable. Conquests, we may be sure, were not so easy, nor were defeats so rare, as the old historians, to whom the history they wrote was all a blaze of glory, most piously believed.[2] The

[1] "Assidui vero et anniversarii hostes." Flor., I. 12. "Tumultus enim fuit verius quam bellum." Liv. II. 26.

[2] The narrative, in Livy (II. 16, 17), of the campaign against Pometia, a Latin town, but partly colonised from Rome, betrays the

longer, too, the wars continued, the heavier were the taxes on the Tribes, while most men were daily in greater need of means to keep themselves and their families alive. For a little time, the poor could borrow from the rich; but the rich, likewise, were soon reduced, and when they sought for payment of their loans, they could only lay hold on the bodies which had been pledged to them by their debtors.[1] It was then a poor satisfaction to the creditor to have a hungry and an angry bondman where he wanted goods or money; but it was an evil to be felt throughout every order in the Commonwealth, that the debtor should lose his freedom and his patriotism. Most of the poor and all the bonded were of the Plebeians; for the Patricians were protected by law from any servitude,[2] and the class of clients, fewer in number than of old, was defended by its Patrician patrons. There is no necessity of looking into the prison or the workhouse to understand the terrible nature of the slavery to which the debtor was dragged when he could not pay for his freedom.

Nor would it be truthful to paint these scenes with altogether sombre colours. The tide of successful

difficulties with which the armies of the Commonwealth were obliged to deal.

[1] Called Nexi or Addicti, in relation to their bondage; but of these terms the explanations are innumerable. If the Nexus and the Addictus were not one and the same, it is most probable that the debtor was Nexus when he pledged himself in security for his debt, and Addictus when actually handed over to his creditor as a bondman.

[2] Touching this, however, reference can only be made to a later law, Aul. Gell., XVI. 10: "Assiduo vindex assiduus esto." The word "assiduus" is explained by the same writer to be "pro locuplete." See Niebuhr's opinion, vol. I. p. 273.

battle would sweep in spoils and riches to those who took it at its flood; while many, sunk in poverty, would be impelled, by the very depth of their despair, to activity and recovery,—this latter spirit being of all others the most necessary to the destiny of Rome.[1] Nor could things be altogether bad where the Sabine Attus Clausus, with five thousand followers, preferred, at this identical period, to make his home. He was received, as a Patrician, into the Senate, under the name of Appius Claudius, and they who came with him were enrolled in a new Tribe, called, after their chief, the Claudian.[2] The migration and the reception are both characteristic of a nation capable of bearing the brunt of worse disasters than had yet befallen Rome.

The Sabine, however, as will be observed, may have been tempted to Rome by the offer of being made a Patrician; he would scarcely have come to be a Plebeian. It was not long after, that the efforts of the lower estate to rid themselves of some of the afflictions they were obliged to bear provoked still more decided oppression. Some conduct in which the Plebeians were forward to shew their reliance on the Valerian law of appeal, rather than any increasing danger from abroad, determined the Patricians to

[1] "Effecturi," as Seneca says, Epist., 87), "ut populus Romanus paupertatem, fundamentum et causam imperii sui requirat ac laudet."

[2] Plut., Publ., 21. Liv., II. 16. Dion. Hal., v. 40; where the manner of Clausus's election to the Senate is stated to have been made by ἡ βουλὴ καὶ ὁ δῆμος, i. e. "Senatus populusque Romanus." The elections to the Senate were, as Livy (IV. 4) says, "post reges exactos jussu populi."

appoint a Dictator from amongst those of their own order who had been Consuls, whose authority should defy alike all laws and all appeals. Or if the motive to establish so singular a magistracy were actually the peril in which the Commonwealth was involved, and from which it could not or would not be extricated by the existing Consuls, the terror excited in the Plebeians, on the appearance of the Dictator with the twenty-four axes borne before him, explains the relations between them and the Patricians to be such as connect the feeble and the powerful.[1] One of the highest men, though his name is now uncertain, was first nominated by the Senate, and next appointed by either of the Consuls—his Imperium, or absolute authority, being then conferred upon him by the Curies. The title he and many of his successors assumed was the Master-Patrician;[2] while another, selected by himself to serve as his lieutenant, was called the Master-Knight.[3] Certain restrictions, indeed, were placed upon both these offices; but the only real limitation to their use or their abuse was the will of the mighty order from which they emanated. The enemy abroad, as well as the seditious at home, grew pale, it was related, and yielded to the majesty which the first Dictator wore or to the tremor he inspired.

[1] "Magnus plebem metus incessit." Liv., II. 18. The two different versions may be read in Liv., *loc. cit.*; Dion. Hal., v. 63 *et seq.*

[2] Or, more exactly, the Magister Populi; *populus* meaning the Patrician estate. Cic., De Legg., III. 3. He was called Dictator, says Varro (De Ling. Lat., v. 14). "quod a Consule dicebatur, cui dicto audientes omnes essent." See Festus, s. v. Opt. Lex.

[3] "Magister Equitum." Liv., II. 18.

It was easier, however, to subdue a host of foes than to crush the Plebeians, whose growth to the full stature of such liberty as Rome admitted was no more to be hindered than the growth of children to be men could be prevented, if life and strength were given them from Heaven.

Valerius, the People's Friend, was dead, and others of the braver Patricians had fallen in battle, before the survivors elected their Dictator. But it is to be remembered, though commonly forgotten, that the trials of the superior were, in many respects, as bitter as those of the inferior class, through these first years of doubtful liberty. It may be easy to write of the duties in which either failed; yet they were stout hearts that strengthened the Commonwealth against its manifold weaknesses, even if amongst them there were no gentle ones, in whom the love of countrymen outweighed the hate of their superiors or the contempt of their inferiors. The Patrician was still able to exact service in war, submission in peace, and bondage in poverty, from the Plebeian; yet it was the consent of his order that had granted to the lower estate the protection of the Valerian laws; but these, on the other hand, were like ponderous gates which grated upon their hinges, without yet opening wide to the Plebeians. There was much to urge the claims and to arouse the passions on either side of such a nation.

CHAPTER IV.

THE MEANS AND ENDS OF EARLY ROME.

"Now in those days valiantness was honored in Rome above all other virtues; which they called Virtus, by the name of Virtue itself, as including in that general name all other special virtues besides. So that Virtue in the Latin was as much as Valiantness."—PLUTARCH, *Coriol.*, I., *North's transl.*

THE title at the head of the chapter may appear to affect a quaintness it is not intended to assume. Some things there are, seldom to be included in a narrative, and yet without which the narrative is unintelligible, that must here be laid down, as upon a chart, before we venture further into our history. Without knowing the means of obtaining and the ends for employing freedom in Rome, there can be no knowledge either of the Commonwealth or of the men who constituted the Commonwealth,—the very points, as scarcely needs be added, on which the history of Roman liberty most depends. In connection, therefore, with the foregoing chapters, it is here proposed to take such an account of the personal and the general relations existing amongst the early Romans, as shall complete our survey of the foundation, and prepare that of the increase of their liberty.

In Rome, as among all nations of antiquity, there were two classes, to one or the other of which every human being belonged by birth or fortune. One was of the free, the other of the slave,—the freeman being

born or made free, and the bondman being born in or reduced to slavery. The slaves, of whom the lowest were always permitted to hope for liberation, formed a single class; on the other hand, the Roman state comprised a twofold class of freemen, to one division alone of whom the fear of slavery, at least within the sway of Roman laws, could never come.[1] The hope of the slave and the security of the higher freeman are easily accounted for by the existence of the intermediate order. If the real freeman were secure of his freedom, it was because his privileges were not lightly communicated to any man; and if the bondman were hopeful of being liberated, it was because he did not aspire to more than an inferior degree of liberty. None were considered to be wholly free, unless sprung of parents born, themselves, in possession of all the rights which freedom could convey;[2] and to such the lower classes of the freemen were originally as inferior as emancipated, or even, to strain the point, as actual slaves.

Hence arose the distinctions between the orders of citizens; for though none could attain to citizenship without possessing freedom, yet rank in one was somewhat rudely graduated according to rank in the other scale. The Patrician, especially, was considered the citizen, because he, especially and solely, was born with perfect title to pure and free descent; and for the same reason, the Plebeian of alien or humble

[1] See Gaii Instit., i. sect. 9, or Heinecc., Antiq. Rom. Jurisp., lib. i. tit. 4, 5, sect. 1.

[2] "Duobus ingenuis ortus." Liv. vi. 40. "Qui ab ingenuis oriundi sunt." Cic., Topic., 6. The Ingenuus was the real freeman. See ch. ii. note 1, p. 287.

parentage was not entitled, by any early law, to participate in the rights of citizenship on equal terms with those by whom he or his fathers had been conquered. Herein, however, lay the germ of his future elevation, that he boasted of ancestry as glorious as, nay, in a multitude of instances, more glorious than, that from which his neighbour Patrician was derived; and in his consciousness of veins as clear and names as worthy, he claimed from year to year a larger share in the citizenship, from which, when first conquered, he had been totally excluded. There were other free, but inferior, classes, besides the Plebeians: clients, freedmen, and strangers, who had their homes in Rome. But to these there were few such memories of birth or few such claims to citizenship; and when any of them rose, as many did in after times, to higher places, it was the elevation of the individual rather than the class. The citizen, therefore, as we may conclude, was always free; but the free were not always citizens.

Nor does the constitution of such a body as the Centuries or the Tribes militate against the inadequacy of personal freedom to make a man a citizen in Rome. Many an individual, who had neither been born nor bred in servitude, had no part in these assemblies, because he was either a foreigner by birth, or a menial by occupation. So hundreds, and afterwards thousands, of the men actually admitted to the Tribes or enrolled in the Centuries, were in themselves but inferior, though nominally regarded as full, citizens in the body to which they belonged. The

distinctions of the magistracies and the institutions generally, for the most part previously described, are to be explained on the same common principles. Every separate office of the least importance was, as of right, committed to the full citizens; and none of lower position, though ever so rich, could hope for greater honour or higher authority than was vouchsafed to him as a member of some collective body, the Senate or an assembly. One, even, of the assemblies, that of the Curies, was in complete possession of the Patricians; and of the rest, each was distinguished from the others by certain forms or dignities proportioned to the graft of Plebeian stock it bore. The Tribes, for instance, met in the Forum,—not then the hallowed ground, but the profane,—in the midst of noise and trade; the Centuries gathered, with somewhat more reserve, in the Campus Martius, without the walls; but the Curies met in the Comitium, near the Forum indeed, yet quite separate, where the fig-tree beneath which the twins were suckled, and the spot from which Romulus was translated to the gods, suggested only the most majestic memories. A temple received the Senate within its walls, though the Senate was partly composed, as we have read, of Plebeians; but he whom the Patricians admitted to their Senate in the early times was, if we have any right to judge from analogies, bound, or willing to be bound, unhesitatingly to their behests. Other lines of separation between the Roman orders were drawn through all their public institutions. One treasury, for example, the Ærarium, as it was called, belonged to the state

in common; but there was another, the Publicum, to the profit of the Patricians alone, and often enriched at the expense of the Ærarium: both the treasuries being in the Senate's charge. This universal preponderance of one class over another in the offices and the assemblies of the Commonwealth was the natural result of the manner in which its foundation and first increase had been achieved; but the effect of such preponderance was in its season equally natural, and much more favourable to justice and to liberty.

The working of these institutions together, not having yet been stated, may be here described in a few words, in order to complete the sketch attempted of the political liberty of the early Commonwealth. Elections were made sometimes by the Centuries, sometimes by the Curies, with the latter of whom it always rested to confirm its own or the Centuries' choice by the grant of the commission or Imperium. The legislative powers were exercised through the priests, the Consuls, the Centuries, the Curies, and the Senate; though a law, to be binding, needed, as a general rule, the consent of two, and sometimes three, of the assemblies, when brought forward by the civil magistrates: the laws of the priests, or, to speak strictly, of the pontiffs, being more independent, as exclusively relating to religion, or to the observances nearly connected with religion. Administrative and executive functions were exercised by the Consuls and the Senate;[1] the Senate having, furthermore, a general super-

[1] "Senatus, ut solidum corpus, immutabile erat; Consules, velut membra: Senatus, consilium et rerum deliberatio, Consules ad con-

intendence over the laws and the institutions,[1] of which it was commonly regarded as itself the highest. Trials were conducted and sentences pronounced, in the first instance, by the popular judges, or, if the causes were too weighty for them, by the Consuls, or, if in appeal, by the Curies or the Tribes. It may easily be observed how large a proportion of authority belonged to the upper class of citizens; and if it be not yet clear, the narrative we must presently resume will make it so, that, simple as these early institutions may have been, the extravagant measure of power with which every higher assembly and each superior magistrate was invested was scarcely consistent with the liberty or the peace of a free Commonwealth.

Neither the excess nor the exclusiveness of authority in early Rome is susceptible of any plainer illustration than the power of the father, to which, in one shape or another, much of the political spirit we are describing must be referred. If we could find our way into any of the old, rude households, and see, for one half-hour, the manner in which its members lived, we should have new knowledge of all things in which they and their nation were concerned. The family was concentrated in its father,—the single name of the husband, the parent, the guardian, and the master; he alone lived "in his own right," his dependents being "in another's right," according to the

sulta peragenda parati." These words, from a treatise De Augusti Progenie (sect. 30), describe the Commonwealth in its early times.

[1] "Patres reprehensores comitiorum." Cic., Pro Plane., 3. So the Patres Auctores, &c., sometimes applies to the Senate, but sometimes to the Curies.

phrases of the law.[1] He was the freeman, the citizen, and, in consequence, the father; they were the wife, the children, the wards, the slaves, over each and all of whom his authority was indisputably supreme:[2] unless the wife be excepted, because it appears that she was sometimes judged by her husband in presence of a certain number of their fellow-Gentiles, members, that is to say, of their Names.[3] But one of the events recorded to have occurred under the reign of Romulus was the murder of a wife, for which, says the ancient story-teller,[4] there was not only none to accuse, but none even to blame, the husband who did the deed; and throughout the ruder age at least, the Patrician, whose marriage-rights were alone protected by the laws, was the owner rather than the spouse of the woman whom he married. He was still more arbitrarily powerful over his offspring, whom he punished, sold, or even murdered, as he pleased;[5] although it would be going too far to deny

[1] Sui Juris, and Alieni Juris.

[2] Over each, however, under a different title: the wife being subject to the Manus of her husband; the children and grandchildren (by the father's side) to the Potestas or Potestas Patria of their grandfather and father; the ward, whether a minor, a woman, or a lunatic, to the Curatio or Tutela of their guardian; and the slave to the Dominium or the Potestas Dominica of his master. The emancipated child was held under Mancipium; the emancipated slave, like the client, under Patronatus.

[3] "Prisco instituto, propinquis coram, de capite famaque conjugis cognovit." Tac., Ann., XIII. 32. See Dion. Hal. III. 25. There is just a trace of a similar exception being sometimes made in favour of the son. Dion. Hal., II. 15.

[4] Val. Max., VI. 3. 9. Plin., Nat. Hist., XIV. 14.

[5] See Dion. Hal., II. 26, 27, where the old historian gives way to unwonted enthusiasm of expression. The various periods of youth, as defined by the law, are of importance in connection with the subject of the paternal authority. One

that most men were restrained by the common affections of paternity from pushing the exercise of their authority to the extremities to which it was allowed to be extended. The power thus absolute over one's own flesh and blood need not be described in its other domestic, or followed into its various public relations, in order to be conceived of aright, as the striking expression of that authority committed to the superior individual or the superior class, as well by the later as by the earlier laws of Rome.

The power of law was ample to secure whatsoever it commanded. Apart from the obedience it received spontaneously from a people remarkable for pride in their own institutions, it was armed besides with penalties to strike an offender from his place as a magistrate, a priest, or a citizen: the highest could be made as the lowest, if he were seditious or unfaithful. But the law of Rome was not merely denunciatory or compulsive; it maintained, at least in name, the higher principles of preservation and security; and sought the objects of its interest in things divine as well as human.[1] Its materials were prepared

was of Impuberes, to the age of twelve or fourteen, according to the sex; the other, of Puberes, to the age of twenty-five. Each period was subdivided into other two. After twenty-five, though a man were included in the Majores, as those above that age were called, he was still under his father's power, until it was dissolved by emancipation or death. The same remarks apply to adopted children. "Jus autem potestatis, quod in liberos habemus, proprium est civium Romanorum. Nulli enim alii sunt homines, qui talem in liberos habeant potestatem, qualem nos habemus." This was the language of a much later time. Institut. Justinian., lib. I. tit. 9, sect. 2.

[1] "De omnibus divinis et humanis rebus." Cic., De Orat., III. 33.

amongst the Italian races, before the single state was formed upon the seven hills; nor can we undertake to learn how these were gathered, how wrought into the forms they are afterwards seen to wear. The forms themselves are susceptible of very simple definitions. In one great body of civil law, the civil and political laws of the Commonwealth formed one division, while the other was composed of the canon law, as we might style it, of the Pontiffs, otherwise called the pontifical or sacred code.

The religion which Numa is said to have established seems, in its early ages, to have exerted a two-fold influence. One of its effects was to cheer the people with boisterous games and to encourage them by joyous festivals; in which, if the gods would not be tempted down from their celestial dwelling-places to join in the revelries they loved as well as any mortals, their worshippers might yet be persuaded to greater confidence, and, as would follow thence, to greater vigour in their relations to one another and to their common country. The other effect of the religious system amongst the elder generations of the Romans was the subjection it imposed upon its votaries. It was not so much that the priesthood possessed supreme authority in matters of religion, much less of government, as that the whole body of the higher citizens, from whom the priests were chosen and on whom they were made dependent, would be strengthened at the expense of every other order beneath their own. The chief obstacle to the elevation of the lower classes consisted, as we

may learn hereafter from actual examples, in the concealment, not only of religious doctrines, but, likewise, of the commonest observances, such as the business and the holy days of the year, from their knowledge.[1] The auspices, particularly, were long the stumbling-blocks of the Plebeians. Many a one amongst them kept himself apart from his brethren, with whom he had real sympathy and to whom he would have given real assistance, because the Augur bade him, with ominous frown, to beware. But the submission which religion required was not simply of a political character, nor yet incumbent upon the inferior classes alone. Every mind, as under all heathenism, was burdened by a weight which, it is true, was as far from being grievous in Rome as in Greece, yet beneath which there could really be no play of true feeling and no aspiration of true piety. No priesthood, in these later centuries of heathenism, could have watched the burden, careful that it kept its place, for it was upon their souls likewise; and the power of the superior Roman priests, the Pontiffs, great and irresponsible as it was, is to be regarded only under the former view suggested, of the Patricianism, so to speak, even of religion.[2]

These considerations, compressed as they have necessarily been, of the relations between the various classes of people and the influences to which their

[1] "Diligentiusque urbem religione quam mœnibus cingitis." Cic., De Nat. Deor., III. 40.

[2] The subject of Roman religion will, of course, be resumed. See book II. ch. 9, book III. ch. 7.

public life was variously exposed, may make the pre-eminence of the Patricians not only more distinct, but more accountable,—to some, it might be added, more excusable. They were the real citizens, in whose possession alone the rights of liberty and law were inalienable,[1] and on whose character alone the destinies of their country and its institutions appeared to be dependent. It was, however, the good fortune of Rome, that another class of citizens, at first inferior, was included within her fold, to whose elevation her prosperity and freedom, before both failed her under heathenism, are, humanly speaking, to be ascribed. But behind the Plebeians, a pall was dropped upon aliens, menials, and slaves, as upon men who could not, except as one or another amongst them might be individually admitted to the light, anticipate, much less enjoy, as a class, the liberty of Rome.

The citizens were also the proprietors of Rome. One had a plot of land in town, or a narrow field in the country, just large enough, perhaps, to give him food and supply him with an overplus to meet his taxes. Another, able to support clients or labourers, would have a larger estate, or else obtain a greater share of the public land, for which the rent was merely nominal. The latter was the Patrician or the very rich Plebeian; the former was the Plebeian or the very poor Patrician. Below them both were

[1] Which Cicero describes as the "possessionem gratiæ, libertatis, suffragiorum, dignitatis, urbis, fori, ludorum, festorum, dierum, ceterorum omnium commodorum." De Legg. Agr., II. 27.

many who had parted with their scanty possessions in times of prodigality or distress; who also were citizens, or they would never have been proprietors. Distinctions analogous to those existing between the higher and lower classes of citizens affected the relations between the different orders of proprietors. Within the Pomœrium, the sacred limit of the city, lay all the public and most of the private possessions of the Patricians; while without the same boundary the homes and sanctuaries of the Plebeians were mostly situated, as upon the Aventine. The occupation, however, of all the citizens in times of peace was husbandry; and the abundance of the whole nation was chiefly that which arises from well-tilled fields.

One cannot go back, indeed, to the years of the Monarchy and the revolution in Rome, without seeming to behold the destiny of the people wavering between that of an agricultural and that of a warlike nation: but the scale was soon turned. The song of the Fratres Arvales, the brothers of the Fields, is an appeal to Mars, the god of war, that he would bless their labours of the plough and the pruning-hook; and the procession winding through the cultivated lands in the spring-time, to ensure the fruits of the earth,[1] was one in which the husbandman does not appear to have put off the mien of the warrior. The citizens were not only the proprietors, but the soldiers, of the Commonwealth. They who had homes and rights to defend were most relied on for incessant

[1] "Fruges lustramus et agros." Tibull., II. 1.

service against the public enemies; and the especial privilege of the Patrician or the rich Plebeian was not so much a large estate or an exalted office, as a foremost place upon the battle-field. It is singular to observe the connection between these different distinctions of the Roman freeman: the prominent part in the conflict was rewarded by the larger share of spoils and lands, and the increase of wealth led to the expansion and security of liberties.

It is from these divisions and occupations among the early Romans that some general idea of the spirit which animated their lives is to be obtained; nor need the limits of their own territory be crossed, to seek after distant influences or foreign knowledge. It is true that, under the last kings, the narrow intercourse, which had scarcely begun under the first,[1] with stranger nations, was extended throughout Italy and beyond the seas,—the beginning, as it seems, of the wider relations to which Rome, last and greatest of heathen nations, was called. Long years, however, elapsed before any traces are to be found, either amongst the forces or amongst the purposes of Rome, of any interference from abroad with the progress she obeyed, as a state in which various systems were blended, and various races reconciled, almost from its origin. The spirit of a people, indeed, is the growth neither of a year nor a century. It signifies their habits of memory, action, thought, and hope, for ever changing, and, until the end draws nigh, for ever

[1] See Livy's remarks touching the possibility of Numa's having heard of Pythagoras, I. 18.

renewing themselves. It is impossible to be sure that we comprehend it fully, even when we can observe it with our own eyes, or lay our own hands, as it were, upon the great heart in which it throbs and heaves. But when we are obliged to go back in search of principles and desires that no longer exist together, though many may yet separately survive, it is almost impossible to be sure that we understand them at all.

The virtues, however, of the early Romans were so congenial to their circumstances and their laws, as to be distinguishable with comparative certainty. No merit, in such a state as theirs, could have been esteemed greater than energy, the power to win a battle or make a fortune, on which the freeman's rights, in great degree, depended. It needed to be tempered by obedience, if it belonged to one of an inferior class; if to one of a superior, it was tempted and commanded to shew itself in authority, sometimes just, oftener fierce, and always overpowering. To these characteristics of a rude nation must be added the confidence which was alone able to turn their energy, in any of its possessors, to the increase of partial or general prosperity. It was valued and sought, or the Patricians would have never granted the Valerian laws in order to give it to the Plebeians; but it could not yet be created in the lower classes, however naturally it was felt amongst the higher. Other principles were too numerous and too plain to need definition; yet one remark may be made about them all,—that they were praised in proportion to the show or the noise they made, rather than the truth which they

contained. The temple which Numa dedicated to Faith was to that which is seen, not to that which is unseen.

Horatius, the conqueror of the Curiatii, slew his sister for lamenting her lover's death; but he was acquitted by acclamation of his crime. Tullia, the daughter of the good king Servius, drove over the corpse of her father, whom she had urged her husband, Tarquin, to murder; but none the less was she proclaimed the queen, and he the king of Rome. The daughter who fed her father from her own breast, that he might not die in his dungeon, was of "a sweeter," but a solitary, "ray." Yet there were probably other deeds, as worthy in our eyes, which have been left untold, because less noble in the eyes of those who witnessed them.

The virtue, the confidence, and the energy of early Rome all flowed in one channel of patriotism. Neither father nor mother was so venerable a parent to the Roman as his country,[1] to which his affections, in manhood at least, were given out from an ardent heart. The highest duty was that which the Commonwealth required; the highest knowledge was that which rendered the duty acceptable and useful.[2] It is in setting this standard before our minds that the importance of liberty to the part which Rome was appointed to sustain in the heathen world becomes apparent; yet it may be equally evident, that,

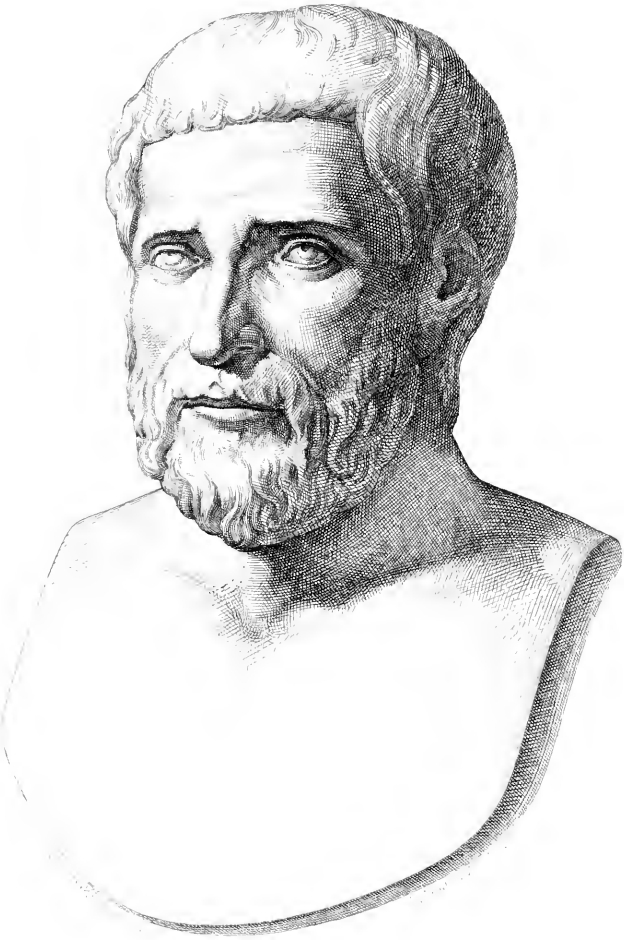
[1] "Antiquior parens, ... major ei profecto quam parenti debetur gratia." Cic., Rep., III. 48, Frag.

[2] "Eas artes quæ efficiunt ut usui civitati simus." Ibid., II. 20.

though her work might be wrought, her perfection could never be accomplished, through the exercise of merely political or public freedom. While the most rapid progress towards strength and dominion was achieved by the state, there was scarcely any made towards individual excellence. The character of the Romans did not seem to develope or improve itself, except so far as they were soldiers or citizens in the mass, until the fortunes of the Commonwealth began to reel. Yet the resolution of their patriotism was none the less admirable, according to their times; and there were few even among the old Patricians, who would not have laid down power and life to save the liberty for which Brutus condemned his children. This, at least, may be remembered in their behalf; for though history is not to be made an apology for one class or another, it should certainly give a hearing to both the sides, according to which its judgments are to be formed. Sir Philip Sidney said, in a Christian age, that his "chiefest honour was to be a Dudley:" Valerius or Brutus, even in heathen Rome, would have thought that to be a Roman was their highest praise.

There was an old tradition that Numa owed much of his wisdom to the teachings of the philosopher Pythagoras. Common accounts of chronology close Numa's reign near a century before Pythagoras's birth;[1] but the philosophy which bears the name of

[1] "Although the dates of his [Pythagoras's] birth and death are wholly uncertain," says Mr. Clinton, "yet all authorities agree that he flourished B. C. 540 — 510, in the times of Polycrates and Tarquinius Superbus." Fast. Hell., vol. II. p. 21.



From a bust in the Capitol.

the one must have been early taught in the city which the other ruled, or there would have been no connection between the two in the legend. So many points in the Pythagorean doctrine illustrate the Roman spirit, in its infancy, that the philosophy may be taken to illustrate the state, almost as confidently as if it had been formed under purely Roman inspiration.

Pythagoras left Samos, it was said,[1] because his native island was governed by a tyrant, and came to Crotona, a Greek city in Italy, where he soon collected a large number of followers from the most distinguished families;[2] of whom he selected three hundred to receive his instructions more familiarly, and to obey them more consistently. His objects can only be imagined, so little remains of any trustworthiness concerning them; but it is sufficiently ascertained, that, whatever he may have made the subject of information or exhortation to his disciples, he was himself free from all political ambition. His authority, however, increased, as his influence extended over all the higher classes of Crotona; and it may then have entered into his schemes to make such a reform in the manners, and, as is barely possible, the laws, also, of the state, as should prove his desire and his ability to be useful amongst his adopted countrymen. So far as any vestiges exist of his achievements as a reformer,[3] Pythagoras appears to have confirmed the

[1] Diog. Laert., VIII. 3.

[2] Τοῖς πρωτεύσιν Ἰταλιωτῶν. Plut., Phil. cum Princ., tom. IX. p. 108, ed. Reisk.

[3] Justin gives a glowing description of his authority and his works, XX. 4. Cf. Plato, Rep., lib. X.; Val. Max., VIII. 15, sect. 1, Ext.

aristocracy which must have previously existed in Crotona, by forming its principal men into a society, the conditions of initiation to which were carefully designed in support of the discipline and the knowledge imparted to its members. It was especially enjoined upon them to exclude the uninitiated from their own privileges; and the story is still to be read of one who, at some time, was expelled, and to whom a column was then erected, as if he had been dead, because he explained to others the precepts he had received.[1] The same spirit hardened the Patrician, at Rome, against the Plebeian. Nor was Crotona the only place where the policy of Pythagoras appears to have been established with his doctrines; it spread with them through various cities of Southern Italy, and advancing north,[2] perhaps in his lifetime, arrived at Rome.

It would be easier to sketch the Pythagorean philosophy, though the means of doing so are not derived directly from its author, but from his successors; yet a few points will be sufficient to illustrate the higher aspirations of the Romans. Pythagoras was the first, or among the first, to make metaphysics the basis of his doctrines; and though it were insecure as the physical principles which had been the groundwork of other systems, it was able to bear some forms, at least, of higher wisdom. He spoke

[1] Αἴτιαν ἔχοντα γραψάσθαι τὰ τοῦ Πυθαγόρου σαφῶς. Clem. Alex., Strom., v. 9. Cf. Diog. Laert., viii. 15.

[2] Jamblichus, who wrote a life of Pythagoras in the beginning of the fourth century, mentions ἱερὸς λόγος, "a sacred book," circulated amongst the Latins, cap. xxviii.

of the gods, not as being indifferent to, but as being interested in, the affairs of men;[1] and exhorted his more intimate disciples to raise themselves as near as possible to the immortals, above the level of their fellow-creatures.[2] The leading feature in his metaphysics was the Harmony by which the world, as a whole and in its various parts, was kept together and preserved; but Harmony itself grew out of Number, the single and the mighty principle of the universe.[3] It is true that these were ideas straightway terminating in mysticism; and that the mysteries to which they led, however fair outwardly, were wanting in all inward energies.[4] But the philosophy is all the more capable of being compared with the principles we are seeking to explain in Rome. The Patrician clung to his order as the Pythagorean did to Number, and made it the single principle of the Commonwealth, which, again, may be likened to the Harmony of Pythagoras; yet he fell into errors we have already witnessed or are to witness hereafter. We may follow farther both the philosopher and the Patrician. With the one, the world was unchangeable and indestructible;[5] with the other, his world of Rome was

[1] Diog. Laert., VIII. 22, 23, 32, 33.

[2] Plut., De Orac. Def., tom. VII. p. 627, ed. Reisk.

[3] Diog. Laert., VIII. 25. So Æschylus, in the Prometheus, calls Number ἔξοχον σοφισμάτων, "the loftiest of inventions."

[4] Jamblichus (Vit. Pyth., cap. XXVIII.) relates, that, as a shepherd was one day watching his flocks, he heard a hollow voice which seemed to issue from a tomb near which he passed, and which asked only what sort of harmony it made! Cf. the story in Cic., Tusc. Quæst., v. 3.

[5] Stob., Ecl. Phys., I. p. 418, cited by Ritter and Preller, Hist. Phil. Gr. Rom., sect. 108.

as imperishable. To Pythagoras, the Number of which he discoursed was not only a human, but a Divine Unity, breathing in the soul of man and in the petals of the flower, for ever One, for ever Equal and Steadfast.[1] To the Roman, there was a holiness in his Commonwealth that he adored, because there was no other object on earth or in his heathen heaven on which his affections could have any similar hold. Yet the heart of such as Numa dreamed of Egeria, and many a thought which none could know save He who gave it, bore up the human spirit towards the then transitory effulgence of Truth.[2]

Centuries after the times of which we have been reading, Cicero went to see the place at Metapontum where Pythagoras died.[3] The authority of the sage and his followers, having lasted in Crotona near twenty years, was finally overthrown, and all the most distinguished of their number were either put to flight or slain. The downfall of the institutions which the philosopher had established, as well as his own exile,

[1] Philol., Ὁ ἀγεμὼν καὶ ἄρχων ἁπάντων θεὸς εἷς ἀεὶ ἐὼν, μόνιμος, ἀκίνατος, αὐτὸς αὐτῷ ὁμοῖος, ἄτερος τῶν ἄλλων. Ibid., sect. 106. See Cic., De Nat. Deor., i. 11.

[2] So Keble, in the Christian Year :—

"As little children lisp, and tell of heaven,
So thoughts beyond their thoughts to those high bards were given."

So Cowper, in the Task :—

"Men that, if now alive, would sit content
And humble learners of a Saviour's worth," &c.

I have quoted these lines because they contain the principles by which I think the men of heathen times are justly to be judged.

[3] He writes of his eagerness to see the spot, — "Scis me Metapontum venisse, nec ad hospitem ante divertisse quam Pythagoræ ipsum illum locum, ubi vitam ediderat, sedemque viderim." De Fin. Bon. et Mal., v. 2.

was caused by the stubbornness with which the large proportion of the people had been denied admission to his school or to the government of which his disciples had taken possession.[1] Within the interval from the death of Pythagoras to the visit of Cicero to Metapontum, not only had the Patricians been obliged to give way to the Plebeians, but both the estates were falling, with broken spirits and in much diminished numbers, beneath the despotism prepared by years of conquest, corruption, and civil wars. And the Roman, the best, as he was, of all his name, may have asked himself, as he stood where Pythagoras died, whether the principles of the ancient philosopher had not been proved to be better than any which had succeeded or departed through the intervening period.

[1] See Müller's Dorians, vol. II. p. 187, Engl. transl.

THE

LIBERTY OF ROME.

BOOK II.

PERIOD OF INCREASE.

A. C. 499—137.

"Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep, and shaking her invincible locks."—MILTON, *Liberty of Unlicensed Printing.*

THE LIBERTY OF ROME.

BOOK II.

PERIOD OF INCREASE.

CHAPTER I.

MONS SACER.

"Plebi re non verbo danda libertas."—CICERO, *De Legg.*, III. 10.

THE arms, surrendered to Porsena[1] were soon replaced by others that prevailed more easily against feebler foes. Many losses were inevitable to campaigns, of which the scene was always laid near Rome, and in which the enemy was frequently as powerful as any force that could be raised amongst the Romans. But the territory preserved during the Etruscan invasion was not likely to be lost afterwards; and its actual extent, between Crustumerium, five miles on the north-east, and Ostia, sixteen miles on the south-west, of the seven hills, with many settlements on the left or southern bank of the Tiber, was the nucleus to the vast dominions of a subsequent period. About ten years after the revolution against Tarquin, the victory by the Regillus, over the people of thirty Latin cities, gained, as tradition related,

[1] According to Pliny's account, that the Romans were forbidden the use of iron except in agriculture. Nat. Hist., XXXIII. 39.

with divine assistance to the exertions of the Patricians and the Knights, decided the superiority of Rome above her neighbours, and procured her some repose. The last hopes of the Tarquins had been staked upon the same battle-field; and the only further notice preserved of the exiled monarch is his death, occurring a few years afterwards.

Meanwhile, sufferings following revolution and warfare were crowding into Rome. The higher classes, foremost in all the gallant deeds to which the Commonwealth had owed its safety, were fast becoming its oppressors; and their countrymen, who had at first rejoiced in the flight of the king, were now lamenting their subjection to a multitude of tyrants, instead of one, or a single family. Some faces, could they be seen as they were then marked deep with care, would make a dismal spectacle; and one as dismal would be presented in other countenances, frowning with pride and uncharitableness. The cause and the character of discords, thus keeping pace with wars and changes, amongst the Romans, have been partially described.[1]

But there were complaints on both sides. The Plebeian grumbled of exactions, services, and debts, let slip, as he thought, on purpose to do him an injury; yet the Patrician could have retorted concerning insolence, bankruptcy, and idleness, by which he, in his turn, was wantonly aggrieved.[2] One of the foreigners who wrote the history of Rome, in after

[1] See the close of book I. ch. 3.

[2] See Dion. Hal., VI. 22, 24, 28, 36.

A CITIZENSIGN OF THE PEOPLE TO MONS CAPRE

times, observed that the creditors of the earlier period were resolved to shew no pity, but that the debtors were equally obstinate to do no justice.[1] The kindness becoming the higher orders, and the respect or confidence necessary to the lower, had vanished, if they had ever appeared. Several circumstances, however, incline our sympathies to the Plebeians, apart from the fact that they were the inferior class, and therefore sure, in such an age, to be abused. They were far the most numerous. The third Estate, at the beginning of the French revolution, was not more truly the whole nation less the nobility,[2] than the Plebeian Estate, at the issue of the Roman revolution, was composed of all the citizens less the Patricians amongst them.[3] The Plebeians, moreover, were every way as noble by descent, though no longer so exalted in spirit, as the Patricians. Both came from the same races; and the only difference between them, as Romans, was the settlement of one order as shepherds or warriors, under the first, and of the other as aliens, under the following reigns.[4]

[1] Ἀξιούντων δ' οὔτε τῶν δανειστῶν οὐδὲν μέτριον ὑπομένειν, οὔτε τῶν χρεωφειλετῶν οὐδὲν ποιεῖν δίκαιον. Dion. Hal., vi. 22.

[2] The nervous account by Mr. Carlyle of the three questions of the Abbé Sièyes might be given in full: "What is the Third Estate? All. What has it been in our form of government? Nothing. What does it want? To become something." French Rev., vol. i. p. 145. It is the exact counterpart of what might have been said amongst the Plebeians of Rome.

[3] "Plebis appellatione sine patriciis ceteri cives significantur." Gaii Institut., i. sect. 3. "Plebs autem," says Isidorus (Orig., ix. 4), "reliquum vulgus sine senioribus civitatis." "Plebes autem est præter patricios." Festus, s. v. Scitum.

[4] "Pastorum convenarumque plebs." Liv., ii. 1.

Another reason to prepossess us in favour of the Plebeians is the course that the Patricians would naturally pursue towards them in times of embarrassment and affliction; of which too much has been already said to leave room for any other remark than this,— that, in proportion as the poor become enfeebled in any state, the rich become more arrogant, and, as has often happened, more inhuman.[1]

The time of sacrifice, on one side or the other, which none could hope would be fulfilled without bitterness and peril, was coming fast when Appius Claudius and Publius Servilius were elected Consuls, thirteen years after the beginning of the Commonwealth.[2] The one was the Sabine, the stranger turned into the Patrician, and so bitter an adversary to the Plebeians, that his name is continually taken by the historians to represent the animosity of the higher against the lower estate. The other, Servilius, a man apparently of humaner disposition, was weak and irresolute, as if he scarce knew whether it were right to shew any favour to the Plebeians. Between the two together, the Patricians were likely yet to have their way.

A short campaign against the enemies, growing more numerous since the troubles in Rome were known, introduced the year of the new consulship; and was hardly over, when the Senate met to appoint

[1] Sallust (Hist. Frag., lib. i.) tells the whole story: — "Dein servili imperio patres plebem exercere, de vita atque tergo regio more consulere, agro pellere," &c., &c.,

[2] In September of the year A. C. 496. The year is the more uncertain date of the two.

fresh levies for another, which may have been thought necessary or politic, according as the disorders within or the hostilities without the walls were most alarming. While the consultation in the Senate was going on in the usual spirit, that is to say, with little reference to the needs or the desires of the people, a crowd stood waiting and murmuring in the Forum. It was composed, in great part, of men who knew by sad experience the burden not only of defeat, but of victory; and many a melancholy tale would be repeated of personal sufferings, or another still more mournful would be told concerning the neighbour in imprisonment for debt or the family separated in wretchedness. Suddenly an old man, shouting for assistance, appeared in the midst of the throng. Of pallid countenance and sunken eye, his face half hid in matted hair, while only torn and filthy clothes hung on his limbs, he seemed too miserable to be believed a Roman. But some of the by-standers, pressing round him, recognised a Centurion of good descent and better fame. In turn, they shouted to know the cause of the change befallen him since he had been seen at the head of his company, a gallant leader in many a campaign. He bared his breast to shew the scars it bore; then fixed his haggard eyes on those who stood nearest, and, with frantic air, related a story that could have been told only amongst men whose liberties were much abused. He was well born, he said, and had possessed a decent property, as they who knew him would attest; while his wounds were sufficient proofs of service and suffering in behalf of his country.

But times, as all men were aware, became hard; armies had been marching through his field; his little stores had been swept away or else expended; and, at last, his patrimony followed, sold to give his children food and to pay the taxes of the Commonwealth. But as he grew poorer, the taxes seemed to grow heavier and his children hungrier; until, after all was sold, and all that could be had been borrowed, the day of payment came, and he had nothing to pay or to restore. He and his two sons, he cried, were then declared to have forfeited their freedom; and all three were dragged into the dungeon or slave-house of their creditor: what he had since undergone would never be believed, unless he shewed the marks he would rather hide for shame.[1] The multitude heard his broken voice and beheld his premature infirmities with the compassion easily stirred amongst a crowd; but when he drew from his back the rags which scarcely covered it, to shew the wounds the lash had inflicted, it was a sight too piteous to wake sympathy alone.

It flashed upon the minds of those who stood there in the Forum, that the misery they witnessed in the old Centurion, and which they, too, were enduring or about to endure, was not for the sake of their country so much as for the gratification of their masters, the Patricians; or if they had, many of them, already made this discovery, they then more bitterly perceived that liberty, not of citizenship, but of life, was no longer, if it had ever been, in their possession. A

[1] The story is from Liv., II. 23; Dion. Hal., VI. 26.

great clamour began, and soon spread through the city; the Plebeians hurrying from all sides to join their brethren, and strike while the iron was yet warm. On the other hand, the Senate hastily separated, sending the Consuls to stay the tumult which had unexpectedly arisen while they were taking counsel together, as if they were the only inhabitants of Rome. The crowd, however, demanded, with unwonted resolution,[1] that the Senate should come together again, and give them relief from the oppression they were determined to bear no more. Appius, the Consul, fled from the Forum, but broke in amongst the Senators as they assembled, and proposed, as if he were their bravest champion, that the populace should be put down by violence. His colleague, however, who had not feared the crowd, but had gone about beseeching every one he met to be calm and wait for the justice which was sure to be given, came into the Senate to advise a moderate course towards the excited multitude. The broken story seems to fail; and the Senate, as well as the insurgents, appear to have separated without prevention, on the one hand, or increase, on the other, of the sedition.

On the next day, the crowd collected more numerously in the Forum. The Plebeians from the country, who could not have reached the city until some time after the outbreak, for which none had been prepared, came in, earnest to join their friends of the town. Hardly had the first vociferations of the mul-

[1] "Multo minaciter magis quam suppliciter." Liv., II. 23.

titude, ready, at that moment, to dare almost any thing, in spite of their long submission, been raised, when some Latin horseman rode up to inform the Senate, assembled in one of the temples near at hand, that an armed force of the Volscians, marching to attack the city, was already close to the Roman boundaries. The Patricians and the Knights, to whom the sedition within the walls was by no means a very fearful matter, or who, at all events, expected the populace to forget their grievances as soon as they heard the call to arms, hastened homewards to equip themselves, never doubting that their example would be imitated. But the Plebeians stood still in the Forum. Some pointed to the chains they yet wore as bankrupt debtors, crying out that they had nothing else to defend against the invaders; and many more exclaimed, it was better to be conquered or slain, than live with hands tied and bodies bruised like theirs. The wrath of the multitude was nevertheless soon turned away. At the proposal of Servilius, or of some wiser Senator than the rest, the Senate was persuaded to proclaim that the bound as well as the unbound amongst the people might enlist under the Consuls, and further, that none who did enlist should be liable for any debts to fall due during the campaign; while the injuries of which complaint was made should be examined and repaired at the end of the war. The Forum, just before swarming with an angry populace, now seemed to be filled with orderly and willing soldiers. Bond and free gave in their names together, and to all, promiscuously, the usual oath of fidelity

was administered as rapidly as the words could be dictated and repeated. Servilius put himself at the head of the army, and set out at once to meet the invaders, who, of course, were instantly routed and repelled.[1]

The spoils of the camp from which the enemy were driven, and of the town subsequently taken in their own territories, were divided amongst the victorious soldiery, and, for the first time in their remembrance, the lowest ranks had something to carry home with them from war. After a week's campaign, and the return of the army, Servilius claimed the usual honours of a triumphant general; but Appius is said to have persuaded the Senate to deny his colleague's demand. Any of the party whose opinion was expressed by Appius Claudius would have maintained, with him, that the decree about the debtors at the beginning, and the division of the booty at the close of the campaign, were too atrocious violations of all precedents and laws to permit the triumph of their author. Servilius was, for the moment, a man of energy. He called the Centuries into the field of Mars, and laid his claims before them. They were in part, of course, the same soldiers whom he had commanded, and as the question lay between one faction of the Patricians and another, rather than between the Patricians and the Plebeians, the Centuries made no difficulty in setting aside the Senate's refusal, and authorising the Consul to triumph. He accordingly assumed the triumphal robe, and was conducted

[1] Liv., II., 23—25. Dion. Hal., VI. 27—29.

through the city to the Capitol by a shouting multitude.[1]

If the Plebeians thought they were triumphing as well as the Patrician Consul, they were shortly undeceived. Some other excursions in arms occupied them for a time; but on the final return of the forces, they were received with an edict from the Consul Appius, commanding the debtors to give themselves over to their creditors. The troops appealed to Servilius; but he was cold or cowed, and his own name was soon added, on the edict, to that of his colleague. The victims, with whom the city seemed at least half-peopled, made a show of resistance; but obedience was more natural, and the poor were surrendered to the bondage they had almost ceased to fear.

The consular year drew near its close. It was marked by another dispute between the Consuls for the honour, then dearly valued, of dedicating a temple lately built to Mercury. The Senate, before whom their claims were urged, referred the question to the assembly of the Curies, by which it was determined that the temple should be dedicated neither by Appius nor by Servilius, but by a certain Centurion,—not so much out of respect to him, the historian says, as out of disrespect to the Consuls.[2] This decision of the Curies is the best means that remains of understanding the temper of the Patricians, of whom the assembly was formed. It hence seems that the ex-

[1] Ὑπὸ τοῦ δήμου παντὸς προπεμπόμενος. Dion. Hal., VI. 30.

[2] Liv., II. 27.

travagance of Appius and the double-dealing of Servilius were equally distasteful to their order at large. Some young men, and many of the more recently elevated Patricians, were undoubtedly of the same mind with Appius, and would have crushed every effort of the Plebeians to encroach upon the ground they occupied themselves. The saying of the Patrician, that the Senate was the soul, and the Plebeian order the body of the state,[1] was undoubtedly the expression of other men belonging to the higher class, who drew the same strange inference, that the body should be mortified and injured. Another party, so much disposed to thwart the Plebeians as to be indignant at the part which Servilius had temporarily taken in their favour, was, nevertheless, contented with the belief that their seditious temper was unworthy of much regard, and had better be left to die out as suddenly as it had been inflamed. The Patricians of this stamp would have opposed any extreme measures, not, perhaps, from humanity, but in the conviction that a light matter would only be made serious by too rigorous a treatment. There were, besides, a few moderate men, who, like Valerius, thirteen years before, would have done some justice to the lower estate, which, however, they did not seek to elevate so much as to secure in the position it actually occupied. Such

[1] Dionysius ascribes it to Appius Claudius, v. 67. See the first scene of Shakspeare's Coriolanus; or those bitter words about the Plebeians in the third act:—

"I would they were barbarians (as they are,
Though in Rome littered), not Romans (as they are not,
Though calv'd i' the porch o' the Capitol).

a party as this, the third one, was in all probability composed of the elder Patricians, or more generally, perhaps, of those who were able to trace their descent to the earliest members of their order ; at least, if the common analogies, which bear witness to the existence of the most liberal spirit amongst those classes who have the best excuse for being illiberal, may be relied upon. The second and the third party were generally combined. But it must not fail to strike the reader that the account thus offered him is to be accepted only so far as it makes the narrative he reads more comprehensible. It was probably the fixed purpose, or as that may be too strong a phrase, the natural bent, of the Patrician to keep his order and that of the Plebeians exactly where they were: most would have exalted their own estate by humbling, some only by elevating, that of their inferiors; while the most severe would long be the most likely to prevail.

Aulus Virginius and Titus Vetusius, neither being of much note or of any apparent energy, succeeded to the retiring Consuls.[1] The Plebeians—they, that is, who had not yet fallen into, but were dreading bondage— were more unruly; meeting together by night, upon the Aventine or the thinly inhabited Esquiline, as if to prepare for the events of the day in the Forum. On the other hand, the Patricians, angered to hear such things, reproached the Consuls for allowing the populace the time to think of sedition.[2] The great resources of ancient

[1] Sept., A. C. 495. [2] "Otio lascivire plebem." Liv., II. 28.

governments in the season of any embarrassment were festivals and wars; and as the time of the magnificent procession or the stirring game was not arrived in Rome, the commotions of the city were continually met by orders for an enlistment or a march. The Consuls accordingly, when urged to put a stop to the nocturnal gatherings just mentioned, summoned the Plebeians to arms. But though the men liable to military service were called by name before the consular tribunal, not one answered; while from the crowd gathered round there issued outcries, boisterous and repeated, that the prisoners must be set at liberty, before any more battles could be fought for the Patricians; and the refusal to enlist was more stoutly maintained than that which had been met, the year before, by promises not yet fulfilled. The Consuls hesitated; but bidden by many Patricians near them to do their duty, commanded one they saw in the throng before them to be called again; and when he stood motionless, he was ordered into instant custody. Down strode a lictor to seize the offender, but was driven back; and when some of the Patricians rushed in amongst the people, they, too, were resisted as boldly as the lictor. A serious riot would have ensued, had not the Consuls interfered; but as they abandoned their levy, more noise ensued, says the historian, than any actual harm.[1] The actual good, however, that ensued was the discomfiture of force as a means of oppressing the Plebeians.

[1] Liv., II. 29.

Whether it were to regain the mastery over the Plebeians which the Consuls had periled, or whether the old pretext of dangerous enemies were now a reality, it was determined, after long and uncertain deliberations in the Senate, to appoint a Dictator. The parties of the Patricians proposed each a different line of conduct, and a different candidate to carry it out; but the more moderate voices prevailed,[1] and Marcus Valerius, a brother of the People's Friend, was invested with absolute authority to remedy the evils by which the Commonwealth was externally and internally infected. An old man, and one of generous heart, honoured equally by Patricians and Plebeians for his noble name, he immediately commanded proclamation to be made that he would hold a levy, and that they who enlisted under his orders should be respected in person and protected in family and property. It was the same promise that Servilius had made in the preceding year; but Valerius was not only much more powerful as a magistrate, but much more trusted as a man; and they who were busiest with projects, passions, or fears, laid all aside to swear fidelity to the Dictator and to follow him against the foe. Ten legions[2] were almost instantly enrolled; the largest army that the Commonwealth had ever sent forth to battle;[3] so large, indeed, that it was safely divided into three different bodies,

[1] Liv., II. 30.

[2] The number (from Dion. Hal., VI. 42) may be exaggerated, if his account be true, which makes the legion a body of 4,000 foot and 300 horse.

[3] "Quantus nunquam ante exercitus." Liv., II. 30.

of which the most numerous was led by Valerius, the remaining two being separately commanded by the Consuls. The expedition of each party was completely successful; and the Dictator returned to triumph with unusual honours.[1]

Valerius, like his namesake, was one of those men, too few for the greatness of Rome, who knew that some other service could be rendered to their country besides raising her forces or fighting her battles. As soon as his triumph was over, he began, as though he had hitherto done nothing, to provide for peace amongst his fellow-countrymen. The chief fruit of his recent victories was the conquest of Velitræ, the modern Velletri, from the Volscians. Thither were sent, according to the Dictator's proposal, a large number of the poorer men in Rome, to have their portion in the town and the adjoining territory,[2] which they, in return, as soldier-colonists, would defend against the enemy. The debtors and bondsmen took heart at such a proof of interest in their behalf; but when the subject of their relief was brought by Valerius before the Senate, it was met with inflexible opposition. He spoke as became him:—"I do not please you, Senators, because I am for peace. But take my word for it, ye will soon wish the Plebeians had more such advocates as I. For my part, I will neither any further disappoint those whom I call my fellow-citizens, nor will I, on my own account, be a Dictator who cannot do what

[1] Liv., II. 31.

[2] According to the language which Dionysius (VI. 44) attributes to Valerius.

he desires."[1] The noble old man resigned his authority; with which, indeed, he could have made whatever laws he pleased, but none that would last beyond his term of office, unless accepted by the Patricians. The Plebeians understood him; and when he came forth from the Senate, unattended, they followed him home with praises and grateful acclamations. It was, on his side and on theirs, a day of moderation and of courage.

The legions which had served under Valerius were disbanded, as usual, after his triumph;[2] but the six others, assigned the Consuls, were still under their command. In order to keep these together, and at a distance from the city, where disturbances were now beginning to be dreaded by the Patricians, the Senate instructed the Consuls to lead their armies farther in pursuit of the enemy they had already conquered. The common soldiers saw through the design, — too plain to deceive them, had they been blind; and in seeing,[3] they knew that they were feared. At the orders of the Consuls, they set out together, and pitched their camp by the river Anio, at no great distance from Rome: but there were some amongst them already resolved upon an enterprise, long before, perhaps, suggested and prepared. In the evening time of rest and uninterrupted intercourse among the men, the word was probably passed from station to station, that all true Plebeians were, that night,

[1] The address is longer in Liv. II. 31.

[2] Dion. Hal., VI. 43.

[3] "Quo facto," as Livy remarks, "maturata est seditio." II. 32.

to leave the Patricians where they were, and find another camp for themselves. Some hesitated; others proposed to slay their officers, that they might be called mutineers rather than deserters: but when the hour came, they all marched forth with arms and standards, silently and without bloodshed. One of the old historians says they had no actual leader, but were urged to desertion by a certain Sicinius;[1] but another, with greater probability, speaks of several leaders, of whom the same Sicinius was the principal.[2] There could, indeed, have been no want of sage counsellors or daring captains; but however guided, the seceders, as they called themselves, kept together, and took possession of a fortified[3] hill, three miles from Rome, beyond the Anio.

The Consuls and the officers beneath them, as well, doubtless, as the Knights and the Patricians of the army, hastened after the troops by whom they were deserted, so soon as they could collect their senses and determine upon the course best to be pursued. They came to the hill on which their men were encamped, and began, of course, to upbraid or to cajole them, according to their own humours, never doubting, apparently, that a few words would be enough to bring back the deserters. But Sicinius is said[4] to have interrupted them. "How have ye the heart

[1] "Sicinio quodam auctore, . . . sine ullo duce." Liv., II. 32.

[2] Λοχαγούς τε ἑτέρους, καὶ περὶ ἁπάντων ἄρχοντα τὸν Σικίννιον ἀποδείξαντες. Dion. Hal., VI. 45.

[3] As appears from the account of Tullus Hostilius's campaign. Liv., I. 27.

[4] Dion. Hal., VI. 45. Cf. Plut. Coriol., 6.

Patricians," he exclaimed, "to call back men whom ye yourselves turn into slaves or exiles? How will ye give us faith in promises so often broken as yours have been? If ye wish the city to yourselves, go hence unhindered; but for us, our country shall be that in which we can find liberty." The Consuls and the others with them, daunted by the resolution they beheld, rode off to Rome.

The news of the secession, possibly not altogether unexpected by the Plebeians, was received in the city with joy on their part, greater than any alarm that could yet be felt amongst the Patricians. Indeed, the first misgivings were those of the families whose fathers or children were away upon the hill, embarked in an undertaking never before attempted, and fraught with a thousand real or imaginary perils. The order was given by the Senate to close and guard the gates; but many of the Plebeians, men, women, and children, were already fled to join their friends and kinsmen; and many more were able to break out, with arms in their hands, to occupy the Aventine,[1] together with those who dwelt there, or else to hurry forward to the Anio. The whole city was in an uproar, until half its population were departed.

The character of the seceders would need no other account than the simplest narrative of their determination and their triumph, were it not for the idea that is apt to be conceived concerning them, as a mob of common insurgents, whose success is or was unaccountable. Though not the richest, they were cer-

[1] Cic., De Rep., II. 33. Liv. (referring to Piso), II. 32.

tainly not the poorest, of the Plebeians. The poor man, who had no money to borrow or property to lose, was accustomed to some hardships, of which another would complain, if he were driven by taxes and embarrassments, not merely into poverty, but into bondage. On the other hand, the rich man, inclined, as we have formerly supposed, to side with his superiors, would be, perhaps, the cruellest creditor to his inferior; and in any disturbance between the lender and the borrower, would certainly oftener take the lender's part. They who were gone out to the hill beyond the Anio, or to the Aventine, were of the middle class, descended from as good a stock as any men in Rome, but reduced, through the defeat of their ancestors, to a subordinate rank, which was now become, and in most instances through no fault of their own, but through the difficulties of the times, a condition of the most wretched and, as yet, the most helpless dependence It was from this that the seceders, numbering about twenty thousand,[1] were resolved to extricate themselves.

Meanwhile the Patricians were changing from amazement to wrath, and from wrath to irresolution. Arming themselves and their clients, besides whom they were probably able to gather some bands from the lowest classes of the Plebeians, and joined, moreover, by the richer men of the same estate, they

[1] The calculation is uncertain; see note 2, p. 376. But supposing the six legions to contain each 3,000 Plebeians, and then imagining them to be joined by 5,000 or 10,000 more, we have from 23,000 to 28,000 in all; part of these being on the Aventine.

strengthened the gates, manned the towers of the city, and set their posts without the walls. But these were measures of defence; such neither as the Patricians were wont to take, nor as would now be sufficient to subdue the Plebeians. Besides the uncertainty and the fear which the Patricians could not entirely avoid, they were alarmed afresh by the inroad of troops from some of the neighbouring nations,[1] quick to take advantage of the divisions amongst the Romans. The enemy could be easily descried from the walls; and anxious eyes undoubtedly watched their approach to the hill of the Plebeians; but they, if tempted, stood firm and apart, content to see the lands of their creditors laid waste by the ravages not now, without them, to be hindered. The foe retired; and the only wonder was, that the territory of Rome was not overspread by marauders, as swiftly and as thickly as the earth is covered with its autumn leaves.

Everything depended upon the influence of the wiser Patricians, whose temperate counsels, had they been sooner followed, would have prevented the dangers in which the whole nation was now involved. It would not do for the violent on either side to offer battle, unless the fall of the Commonwealth itself were desired as a consequence of victory; nor was it safe to wait until want of courage or of food should compel the return of the seceders, or the abatement of pride on the part of the Patricians. The Senate was convened, of course, in Rome; and milder pro-

[1] Dion. Hal., vi. 46.

posals fortunately prevailing, it was determined to send an embassy to the Plebeians. They, meanwhile, had remained on their hill by the Anio, as upon the Aventine, increasing in numbers, and procuring such shelter and sustenance as could be obtained from the neighbouring fields. In after years, their descendants were fond of decking the old story with ornaments of whose intrinsic value it is difficult to be very sure; and many an exclamation of wonder or admiration was excited, when it was repeated that the seceders did no deed of violence, nor even plundered the neighbourhood, except, perhaps, of a sheaf of corn from the field, or a bundle of faggots from the wood, of some rich Patrician. Enough there were, undoubtedly, about the camp-fires on the hill, to talk of revenge and bloody exploits, as they sharpened their arms or piled their stores; but the women who came to join their husbands or their fathers would sometimes make them hesitate, and their children, even to those rude hearts, were constant arguments for peace. The embassy, therefore, from the Patricians was not unwelcome; but as it only brought questionings or offers of forgiveness, when the Plebeians asked no pardon, and their desires were fully known, it proved, in itself, a failure.

The mission, however, of the envoys was not altogether fruitless. It convinced the seceders that they must be resolute, and attracted fresh numbers to their support;[1] but more important still was the proof it

[1] Dion. Hal., vi. 48.

furnished the Patricians that some of their own obstinacy had been imbibed, and deeply, by the Plebeians. The time, meanwhile, approached, at which new Consuls were to take the place of those whose administration had been thus singularly unfortunate; and though the election was held by the Curies, in the impossibility of calling the Centuries together, the Patricians gave their votes to two of their number, to all appearances, both moderate and capable[1] in character—Postumius Cominius and Spurius Cassius. It was now the autumn,[2] when, the heat of the year having passed, there would be a fairer opportunity for rapid and successful invasion of the territory that lay exposed to enemies on all sides, so long as its defenders were at swords' points among themselves. One of the first cares of the lately chosen Consuls appears to have been the formation of a league with the Latins,[3] partly, perhaps, to shake the determination of the seceders by the appearance of new forces against them, but rather, if we may be allowed the conjecture, to keep off the incursions which were dreaded from the nations on the Latin side of Rome. Before the treaty was concluded, the Senate had been convoked to decide anew upon means to promote the reconciliation between the two estates, of which the necessity could scarcely have been more strikingly illustrated than by the earnestness evinced amongst the Patricians to strengthen themselves by an alliance that, under other circumstances, they would rather

[1] Both had held the office before. Liv., II. 17, 18.

[2] Of the year A.C. 494.

[3] Dion. Hal., VI. 95.

have refused than solicited. The Senate, however, was still agitated by different counsels,[1] so much so, that the Curies were obliged to be called before the other body could be persuaded to adopt more reasonable measures; it being at length decreed, that ten of the principal Senators should be sent to treat of peace with the seceders. Valerius and Servilius were both among the number,[2] with others of the same party, of whom Menenius Agrippa is especially mentioned[3] as a man whom the Plebeians liked for his ready wit and Plebeian origin.[4]

The seceders were quite as anxious as the Patricians to be reconciled with their countrymen. The league with the Latins shewed them the uselessness of counting upon invasions in their behalf; while the narrow quarters upon the hill, and the scanty means of subsistence, after the harvest round them had been gathered in, were cogent reasons against keeping up their secession any longer than seemed indispensable to secure themselves an honourable return; and similar considerations would produce the same temper in their brethren at Rome or upon the Aventine. The commissioners, accordingly, were followed and received in their mission with sincere desires that they might succeed. As they drew nigh to the Anio, the whole throng descended from the hill to their encounter. At the head of the seceders were Sicinius

[1] Of which there is a wearisome report in Dion. Hal., VI. 49—64.

[2] Dion. Hal., VI. 69.

[3] Plut., Coriol., 6. Liv., II. 32.

[4] He was, of course, a Patrician; but his family had apparently been among those raised at one time or another from the Plebeians.

and his fellow-leaders, one of whom, Lucius Junius, had taken the name of Brutus, and made himself, by bustling quick-wittedness, a very important personage.[1] On the other hand, Menenius Agrippa advanced at the head of the commissioners, deputed by the rest, to use his off-hand eloquence[2] in bringing the multitude, with whom, as previously remarked, he was a great favourite, to reason. It is not difficult to imagine the interview between the seceders and the envoys. The old Patrician, with his companions and their attendants, seems again to be standing beneath the hill in the midst of the Campagna, while face to face appears the younger Plebeian surrounded by an excited crowd. The message from the Senate is delivered: and, as if in reply, the demands of the seceders are preferred. Junius Brutus speaks with vehemence upon the grievances with which his comrades have been too long afflicted; and though he claims redress and proposes some means of future justice, he is so much inflamed as to end with invectives and threats of complete secession. The seceders forget their own desires in shouts of defiance and excitement; but Menenius is calmer, and addresses himself to the agitated multitude in so composed a manner and with so pleasant a mien, that they are hushed again to hear him. Setting aside all questions of rights, and waiving sober arguments as powerless over the passions he had to oppose, Menenius tells a

[1] Τὶς ταραχώδης καὶ στασιαστής. Dion. Hal., vi. 70.

[2] Which Livy describes with considerable disdain: — "Prisco illo dicendi et horrido modo." ii. 32.

story to touch the feelings and secure the patriotism of the Plebeians. Once upon a time, he says, the members and organs of the body refused to labour longer in providing the great stomach in their centre with food; but after sticking awhile to their resolution, they found they were not only starving the stomach, but famishing themselves. The fable succeeds; it sets the Patricians in a new light, and stirs the associations which bind the seceders, in spite of all their injuries, to Rome. Menenius marks the impression he has made; and when he or another of the commissioners promises relief to every debtor or bondman who shall return with honest heart, a cry, loud and prolonged, for peace, goes through the crowd.[1]

The terms of reconciliation were undoubtedly prepared amongst the seceders, before the coming of the Patrician embassy. Abolition of existing debts, and the institution of some Plebeian magistracy as a guard upon the consulship, were the chief demands; and their presentation proved that the fable of Menenius bore a double application, entitling the members, if they kept the stomach full, to make sure that the stomach should, in turn, impart some nourishment to them. The commissioners, however, had come with no other offers than amnesty and discharge from debts or claims; for neither they nor the Senate had imagined there would be any further conditions proposed. Some of them, therefore, hurried back to Rome to

[1] Dion. Hal., vi. 86, 87. Near twenty sections preceding are filled with the harangues of the historian.

inform the Senate of the wariness and fortitude which the seceders were shewing, and of the necessity of granting them their present demands before they had time to be increased. The Senate assented, and as soon as their decision was reported to the envoys waiting by the hill, proclamation was made, first, that debts of all kinds were null and void, and next, that the Plebeians might have their own Tribunes when they pleased.[1] The echo of the clamour that rose from the exulting multitude seems ringing yet across the plain, and yet to be returned in distant shouting from the people by the city, who caught the sound of the acclamations on the hill.

The seceders chose their first two Tribunes on the spot, and apparently at the moment of their institution. Sicinius and Junius Brutus, as the leaders of the secession, are most naturally supposed[2] to have been rewarded by the votes, or rather by the acclamations, of their companions; becoming, as Tribunes, the leaders, also, of the return. But before leaving the hill, the joyful Plebeians built an altar, on which they offered sacrifice[3] to Jupiter the Terrifier, by reason, says Dionysius, of the terror through which the god had inspired them to secede.[4] In their time, as in all succeeding time, the hill has borne the name

[1] Dion. Hal., vi. 88. Dionysius also relates the sending of an embassy from the seceders to have the terms more solemnly confirmed.

[2] After Dionysius, vi. 87. Livy (ii. 33) mentions two other names, Licinius and Albinus.

[3] "And their wrongs redressed, at once gave way,
Helmet and shield, and sword and spear, thrown down,
And every hand uplifted every heart
Poured out in thanks to Heaven."
Rogers's Italy.

[4] Dion. Hal., vi. 90.

of the Sacred,—in their language, Mons Sacer; a sacred landmark in the history of Roman liberty.

Again in the city was offered sacrifice, in which the seceders from the Anio and the Aventine united with many perhaps of the Patricians and most of the Plebeians, except the rich, who had remained in Rome. At the same time, a new election of Tribunes was held by the Centuries,[1] and three more were added to the two who had been irregularly appointed on the hill; all the five being then confirmed by the Curies. It is related that the number of the new magistrates was fixed at five, in order that there might be a Tribune for each of the first five classes of the Centuries.[2] Another office for the Plebeians, the ædileship, was established after their return. For a little while, at least, the Patricians were willing to be generous and the Plebeians glad to be moderate. The poor and the debtors had sufficient cause for rejoicing in what they had gained, without desiring more; and they whom the loss of debts and debtors' services, as well as the protection which the Plebeians had acquired for the future, most angered, consoled themselves with the dignity restored to them by the presence of their inferiors, and looked forward to the

[1] It is by no means certain that the Centuries had the election of the Tribunes; but it is improbable to say the least, that they should have been chosen by the Curies. The Curies, apparently, confirmed the choice of the Centuries. See Dion. Hal., VI. 90. The Tribes had nothing to do with the election until some years afterwards. See Liv., II. 56, and the next chapter of this history.

[2] Commentary of Asconius upon Cic., Pro C. Cornel., Frag., I. Cf. Liv., III. 30. See the corollary, as it were, which has been drawn from this fact, note 1, p. 392.

pride they would soon recover, when the Plebeians were once more humbled. The only men in Rome to be disheartened were the Plebeians who had been unfaithful to their order in its time of trial, and who were now as cordially despised by the Patricians as they were hated by the mass of the Plebeians. It is more agreeable to reflect upon the manly satisfaction that such as Valerius[1] and Menenius Agrippa would derive from the issue of the secession.

The narrative of the secession and the reunion must be closed with some account of the Plebeian magistracies. Of these the Ædiles, two in number, were much the least important. Their name, in our tongue, Templars, was derived from the temple[2] of Ceres, intrusted, as the treasury of the Plebeians,[3] to their guardianship. Otherwise, the Ædiles were little more than sub-Tribunes, to whom some unimportant functions of a judicial character were committed, and whose office was chiefly desirable as an introduction to the higher powers of the tribunate.[4]

The new Tribunes bore the same name as the heads of the three Patrician, or of the one-and-twenty

[1] An inscription in eulogy of Valerius deserves to be transcribed: "Plebem de Sacro Monte deduxit. Gratiam cum Patribus reconciliavit. Fœnore gravi Populum Senatus, hoc ejus Rei Auctore, liberavit." Orell., Collect. Inscript. Lat. Select., 535.

[2] Ædes: ædilis.

[3] Niebuhr (vol. i. p. 294) mentions that alms were distributed from this treasury to the poorest Plebeians. Its receipts were derived from the fines assessed by the Tribes.

[4] At a later time the Ædiles became the keepers of the public archives (Senatus Consulta and Plebiscita) deposited in the same temple of Ceres. They were also superintendents of the markets, public buildings, and works, &c.

local, Tribes; but their title in full, Tribunes of the Plebeians, expresses a very different authority. If not at once,[1] they very soon became the magistrates, the representatives, and the protectors of their order, both as a body and in relation to each of its individual members. As magistrates, they heard the causes of the Plebeians, who speedily learned to refer their disputes to their own officers, instead of continually quarrelling before the higher tribunals. The Tribunes also presided at the assembly of the Tribes, before which they laid the matters of its proper cognizance, and which they doubtless encouraged to bolder action than had been its wont of old. As representatives, they were present, though without the doors,[2] at the meetings of the Senate; or if this were a privilege of somewhat later times,[3] they appear to have been watchful over the proceedings of all the assemblies besides their own, in one of which, at least, that is, the Centuries, they must have had official seats assigned them. But it was as the protectors of the Plebeians that the Tribunes were most distinguished in the early times of their institution. Whether it were to secure the great right of appeal from the superior magistrates, or to arrest the Patrician, magistrate or citizen, who sought injustice

[1] Which very many writers deny. Emmanuele Duni, for instance, in his work on the Origine e Progresso del Cittadino, &c., di Roma, cap. IV., calls the tribuneship "la figura di Tutore della Plebe."

[2] Val. Max., II. 2. 7. "Ante valvas positis subselliis, decreta patrum attentissima cura examinabant."

[3] As in Dion. Hal., IX. 49 (A. C. 472), X. 31 (456); Liv., IV. 1 (445).

against the lower class, or to interfere with the action of any body or any authority in the Commonwealth, one word from the Tribune, Provoco ! I appeal ! or another, Veto ! I forbid ! was sufficient, nominally at least, to prevent the measures he opposed, or at all events to secure the interposition of the Tribes,[1] who could then decide for themselves if their rights were threatened or abused. It will be our object, of course, to follow out the exercise of these defensive powers, which, in their beginning, could scarcely be put into thorough operation; for Plebeians would still look up to Patricians as on such an elevation as to make them hesitate, not merely in assailing, but in resisting them. The Tribunes, however, were made inviolable,[2] in person and in power, within the city and the circle of a mile beyond the city; that is to say, within the limits which the Imperium or absolute authority of the Consuls could not henceforward cross. To secure their own fidelity, in return, the Tribunes were forbidden to be absent a

[1] The reader will find an article in the Classical Museum, xxi., "On the Growth of the Tribune's Power before the Decemvirate," by Prof. Newman. It is an endeavour to prove that the Tribunes represented the five Classes, not the Tribes, and that their chief power lay in bringing appeals, &c., before the assembly, not, again, of the Tribes, but of the Centuries. This is no place to state the arguments to the contrary; but, besides that the tone of Livy's narratives, following that of the secession, and, in some instances, his actual expressions ("Concilium *Plebis*," II. 57, "*Plebs* in foro," II. 54, &c.), apply to the Tribes, it is enough to remember the origin and the character of the early Plebeians, to be convinced that their magistrates and their assemblies were as active in their behalf as they have been described, and as I shall continue to describe them."

[2] "Magistratus sacrosancti." Liv., II. 33. Ἱερὰν καὶ ἄσυλον ἀρχήν, κ. τ. λ. Dion. Hal., VI. 89.

whole day, or, even for an hour, to close their doors against the applications of the Plebeians for justice or protection.

Such was the office which the seceders were wise enough to demand should be established, as the condition of their return. Neither their spirit nor its powers require to be magnified in order to exhibit the difference created in the relations between the two estates of Rome. From the moment that the lower estate was furnished with defensive arms, the higher was itself compelled to take a new position, not yet, indeed, of mere defence, but no longer of the same offensive front it had before maintained. The treaty between the seceders and the Senate was the Magna Charta of the Plebeians.[1]

[1] Kortüm, Röm. Gesch., p. 75.

CHAPTER II.

THE FIRST WORKS OF THE TRIBUNES.

"Plebs . . . . . agitari cœpta tribunitiis procellis."—Livy, II. 1.

"Justice does not require Equality . . . . . But Justice aims constantly to remedy Inequality."—Whewell, *Moral. and Pol.*, sect. 998.

The reconciliation between the citizens of Rome was of little longer duration than the smoke which rose from the altar of sacrifice on the Sacred Hill. Again they began to tread the same dangerous ground from which their former troubles issued; and the city again resounded with menaces and lamentations. But the character of the collisions or the stumbles, so to speak, which still occurred, was very greatly changed. The Plebeians had gained what is commonly called personal freedom, through the protection of their Tribunes; and the new chase in which they now engaged was at first for social, and then for political liberty. They were the poor, and they sought to become rich; the inferior class in the rights of family, government, and religion, and they would have their share in all. Indeed, there were two commonwealths or two cities,[1] instead of one, in Rome; and the natural impulse with every inhabitant of the lesser

[1] "Duas civitates ex una factas: suos cuique parti magistratus, suas leges esse." Liv., II. 44.

was to break down the barriers of division, or else, by scaling them, to become an inhabitant of the greater, where the curule chair was set or the solemn shrine upreared. Yet the Patricians, with magistracies, assemblies, and priesthoods in their possession, were unprepared to bate a jot of their authority, or admit the citizens they had kept without their pale into the midst of their stately habitations.

In relating the events of the period immediately following the secession, in such defiance as is possible to make of an obscurity which no researches can remove, we shall sometimes be obliged to follow a peculiar course. Where any tradition is to be had, it may be adopted with great reservation upon its authenticity of detail, but, also, according to the principle thus far maintained, with perfect reliance upon its general testimony to some occurrence that has faded like an ancient fresco from the walls of history. Those which belong to the progress of liberty will be inserted without much commentary, and, in one or two instances, wherever they seem to fit in best with the circumstances of the conflict between the Patricians and the Plebeians.

Accordingly, the first narrative to attract our attention is that of the proposal by Spurius Cassius of an Agrarian law, the earliest of a series, each one of which, for centuries, will form an epoch in the history of Roman liberty. Cassius was a Patrician, the same who had been chosen Consul during the secession, and who, some seven years afterwards, was elected for the third time to the highest office of the

Commonwealth. He was, plainly, of distinguished birth, and, but for one or two occurrences, would be as plainly illustrious for having supported the liberal principles which then depended, in chief degree, upon the character of the moderate party, by which they were maintained amongst the Patricians. One of these equivocal circumstances is his election to the mastership of the Knights, at the time the office was first established with the dictatorship;[1] for though the sole purpose of these magistracies may not have been the oppression of the Plebeians, it was yet such as to make both the Master and the Dictator suspected, whatever might have been their previous conduct towards the lower estate. Cassius was likewise the reputed author of the league concluded with the Latins, while the seceders held the Sacred Hill; by which, however earnestly he urged the proposal and the ratification of peace betwixt his fellow-citizens, he shewed himself determined to uphold his order against the perils on which many of the Plebeians were relying for their own success. He could not, therefore, but be doubted by his countrymen on both sides: by the Patricians for his professions in behalf of their inferiors, and by the Plebeians for his decision, in the moment of universal danger, to sustain their adversaries. As years, however, passed, and the course he had pursued could be more calmly judged, Cassius was again appointed to the consulship, as if the prepossessions against him had been forgottten.

[1] Liv., II. 18.

It happened in the ensuing year, according to the narrative of Livy,[1] that the Hernicans, a nation of Sabine race, and long at enmity with Rome, were reduced to peace on conditions that could have been accepted by them only after disastrous conflicts. A large part of their territory being formally surrendered by the treaty, which Cassius is again supposed to have framed, he preferred a law to divide the newly acquired domains according to a different system from that which had hitherto put the Patricians in possession, or, as we should say, in occupation, of all conquered lands. This law, called the Agrarian, in relation to the Agri Publici, or public lands, alone, ordered that one portion of the Hernican territory should be left to the nation from whom the whole was taken, that a second should be given over to the Latins, and still a third distributed among the Roman Plebeians. But as the wants of his own countrymen were too large to be satisfied by a few acres of the land last acquired by their arms, Cassius went farther still in venturing for their relief; and proposed in the same law, that some of the public domain previously conquered, and long in the occupation of the Patricians, should be surrendered to the Commonwealth by its richer tenants, and then assigned, in moderate shares, to the necessitous citi-

[1] Which is here followed, simply for the sake of the illustration it affords concerning the proposed division of lands. All probabilities are against the submission of the Hernicans at the present time; but it is only conjecture that can substitute the real terms of the league. See Liv., II. 41; Dion. Hal., VIII. 77; and Niebuhr's chapter on the League with the Hernicans, in his second volume.

zens. There does not seem any thing, at first sight, to object to a proposal not more generous than just; but the Patricians, who had, from time immemorial, regarded the public lands in the same light as the public honours and the public resources, that is to say, as exclusively their own, were as much enraged as if the Consul had proposed to turn them out of their offices or their dwellings. To a certain degree, they were excusable for any amount of opposition to the law; for, besides the long fixed notion that the domain of the Commonwealth was their own, and that their payment of a tithe of the produce[1] was a sacrifice rather than a duty on their part, they had made improvements and erected buildings upon the lands, and had bequeathed or inherited them, as legacies to which their title was indisputable. It does not appear that Cassius attempted to take back, in the name of the Commonwealth, any of its estates that had been most improved or longest occupied; but had his law been composed in the most moderate terms possible, it would still have been resisted, as it was, by the Patricians, with might and main.

The law, however, passed;[2] but the commissioners whose appointment it required to divide the domain obtained from its occupants were never even named. The Patricians were probably unable to prevent the Plebeians from voting in their own behalf; and the

[1] Niebuhr assumes, without much necessity, that Cassius also proposed to exact the tithe more regularly from those whom his law left in occupation of the undivided lands.

[2] See Dion. Hal., VIII. 76.

Consul, perhaps, was so supported by members of either estate, that the opposition he excited was for an instant overcome; but whether he had set his heart on doing good to others, or on raising himself to great authority, he was soon disappointed or betrayed. The rumour may have been spread that he was seeking to become the king of Rome; and the Plebeians, remembering his mastership and his Latin league, may have mistrusted his motives for professing to relieve their poverty: but whatever their actual reason might have been, he was undoubtedly abandoned, just as he touched the highest point of all his greatness. Accused at the expiration of his office, probably before the Curies, and by them condemned as guilty of treason to the Commonwealth, Cassius was immediately executed;[1] and his house being razed to the ground, its site long remained vacant before one of the great temples in Rome. His deeds appear to have been worthy of a better fate; but the contrast between his life and his death, as far as it can be indistinctly made out, extorts the confession that Spurius Cassius is almost the least known of all the early Romans. Perhaps the only moral to be drawn is, that there was then no middle course to pursue between the factions by which the Commonwealth was sundered.[2]

[1] Liv. II., 41. Dion. Hal. VIII., 77, 79. Both the historians mention a tradition that Cassius was put to death by his father's hands. The year of his death was probably A. C. 485.

[2] Dionysius (VIII. 78) makes it out that Cassius was opposed to all factions and to all laws.

The version we can give to the story of Cassius by conjecture is, that the melancholy fate he met was the result, not of his own errors, nor only of the enmity of the Patricians, but, in greater part, of the feebleness of the Plebeians and their Tribunes, who would have aided him had they dared.[1] After his death, the law, in spite of remaining a dead letter, so grew in favour with those it was designed to benefit, that some of the Tribunes from year to year,[2] were inspired to attempt its revival; but their efforts were not, apparently, the wisest, or even the most zealous, that could have been made, and the Plebeians were still unable to wrest from the Patricians the lands their own right arms had wrested from their foes. In truth, the lower estate was greatly depressed, through causes of which no clear account is preserved, but which may readily be surmised to have been the continuance of wars and hardships, like those of former years. Twice, successively, the Consuls were elected by the Curies[3] instead of the Centuries; nor was the ancient manner of election then restored, but the Curies continued to usurp the right of choosing one Consul, leaving to the choice of the Centuries[4] the other only, who would then, as the reader will remember, require the grant of his commission from

[1] "I know," says Menenius to the Tribune, "you can do very little alone; for you rhelps are many; or else your actions would grow wondrous single: your abilities are too infant-like for doing much alone." Coriolanus, act. II. sc. 1.

[2] As Livy incidentally remarks; II. 42, 43, 44, 52, 54, 61, 63.

[3] Liv., II. 42. Niebuhr, vol. II. pp. 86 *et seq.*

[4] Dion. Hal., VIII. 90, IX. 1. Liv., II. 43. See Niebuhr again, vol. II. p. 90.

the Curies. The great evil to be arrested was the perpetual succession of campaigns, in which the father lost his property or his life, leaving his children in wretchedness, and by which, likewise, the whole energies of the lower classes would be naturally absorbed. Two years after Cassius's execution, the Tribune Caius Mænius declared he would protect any of his order who refused to enlist themselves in a levy, which the Consuls were consequently obliged to hold beyond the mile from the city walls, in order to use their powers, absolute without that limit, against the refractory citizens.[1] Two years later, the attempt to hinder the enrolment of forces was renewed by another Tribune, Spurius Licinius,[2] who endeavoured, at the same time, as Mænius had done, to obtain the execution of the Agrarian law; but he, too, failed, more signally than Mænius, his designs being opposed by his own associates.[3] The example, however, of the bolder Tribunes was followed, the next year, by another, named Ponteficius, whose efforts, like those of Licinius, were baffled by his colleagues.[4] Yet it need not be remarked, that the courage which such as these three shewed was of the greatest service to the interests they could not immediately secure.

[1] Dion. Hal., VIII. 87.

[2] Liv., II. 43. The name is also supposed to have been Icilius. Dion. Hal., IX. 1 (amended).

[3] "Nec in eum Consules acrius quam ipsius ejus collegæ coorti sunt: auxilioque eorum delectum Consules habent." Liv., II. 43.

[4] Dion. Hal., IX. 5. Liv., II. 44. Appius Claudius here appears, for the last time, delighted that the Tribunes' power should be broken by its own weight,—"suis viribus dissolvi."

The consulship, against which the powers of the tribuneship were very unequally matched, was generally in the possession of a few Patrician families. One of its two seats was held for seven years successively by a Fabius; three members of that great house being chosen, one after another, and then reelected, as if the office were their hereditary property. One of the three was Cæso Fabius, who, having been Quæstor at the time of Cassius's prosecution, was then able to give an official air to the animosity he bore that unhappy Patrician. Time passed, and Cæso Fabius became Consul once and again, by the votes of the Curies, against the will of the Plebeians, who were beginning to regard the man he led to execution a year or two before as a martyr to his zeal for their prosperity.[1] The odium excited by the Fabian family was most strongly manifested in the year following Cæso's second consulship, when Marcus Fabius, having succeeded him, was obliged to delay his operations at the head of the Roman forces in Etruria, in consequence of the lukewarmness, or rather the hatred he knew to be felt towards him by the soldiers under his command. The troops were forbidden to stir beyond their camp, although the enemy was close at hand; nor would the Consul give the signal for battle, until his men, sick of inactivity and reproach, swore with one consent to win the victory, if they were allowed to meet the foe. The Consul fought in the van, and one of his brothers, as well as his colleague, was slain

[1] Dion. Hal., IX. 3. See the narrative in Liv., II. 43.

upon the fiercely contested field; but the fortune of the day was with the Romans. On their return to Rome, Marcus Fabius, refusing to triumph for the success he confessed to have cost him and the Commonwealth dear, devoted himself to the care of his wounded soldiers, for whom he provided quarters in his own house and with his friends, until they should be cured.

The Plebeians forgot the past, in amazement at the present behaviour of the Consul and his family; and when Cæso Fabius came forward again as a candidate for his third consulship, the lower classes were as anxious as the highest that he should succeed.[1] He, too, appeared to be transformed. After striving, though vainly, to persuade the Senate to consent to the long-deferred division of the public lands amongst those whose blood and sweat had gained them,[2] he twice marched forth at the head of his army to gather the laurels that are easily found by a general whom his soldiers love. Scarcely returned from his second campaign, in which he saved his colleague's forces from destruction by the troops from Veii, Cæso came into the Senate-house, followed by every member of his family. The Patricians, who had thwarted his best designs, might have feared he came to do them violence; but the words he is reported to have uttered were neither those of anger nor revenge. "Send us out," he said, "against the

[1] "Non patrum magis quam plebis studiis." Liv., II. 48.

[2] "Verum esse habere eos, quorum sanguine ac sudore partus sit." Ibid.

people of Veii, and take ye care of other wars yourselves. We promise to protect the majesty of the Roman name."[1] On the following day, the whole family, with one exception,[2] appeared in arms, with households and clients, all headed by the Consul in his military robes; and proceeding through the streets to the gates by which they were to pass out, but through which they never would return, they bade their friends farewell and responded to the acclamations of the people, as if their march had been to keep a festival. Within two years, not one of three hundred and six, who had gone forth, remained[3] to keep the enemy away, or to shew the Plebeians that there were some amongst the Patricians to count them as fellow-citizens.

Such are the outlines of a legend which cannot be dismissed without a comment upon the historical substance of which it was, in olden time, composed. The illustration it offers of the fervour of Roman patriotism is not nearly so valuable as the proof it conveys that the divisions which existed between the Patricians had so widened or thickened in the time of the Fabii, as to make a family of their authority desirous to leave their homes to their more successful adversaries. The Plebeians, it seems, were no more capable of defending them than of protecting Cassius; and the faction which sought to triumph over the

[1] Liv., II. 48.

[2] Niebuhr surmises that the one was not a youth, as commonly related, but a full-grown man of contrary sentiments to his kinsmen. Cf. Dion. Hal., IX. 22.

[3] Liv., II. 50. As for the number, see Diod. Sic., XI. 53, and Aul. Gell., XVII. 21. Cf. Dion. Hal., IX. 15.

lower estate at all hazards still, undoubtedly, prevailed. Another aspect comes over the procession of the Fabii, as they departed to meet the dangers they preferred abroad to wearier and more perilous conflicts at home; and though the acclamations were as hearty and the farewells as tender, a different chord from that echoed in the story was struck in those who stayed and those who went away. But the Plebeians were not so utterly feeble as when Cassius died. Titus Menenius, a son of old Menenius Agrippa, and then Consul, who was encamped not far from the Fabii at the moment of their surprise and slaughter, was accused, at the end of his term, by two Tribunes, Considius and Titus Genucius, of having looked on, as they would say, while the best men in Rome were perishing before his eyes. The Patricians exerted themselves, in every way, to save him from the judgment of the Tribes before whom he was brought to trial.[1] The memory of his father spared the son a severer sentence than a fine; and the Tribunes were contended to have proved their grateful remembrance of those whom he was believed, for party motives, to have betrayed. Menenius died of shame.[2]

[1] This, as previously mentioned, is a doubtful point in the eyes of some good scholars. Livy writes, however, in this (II. 52) as in the other instances (II. 52, 54, 57, 61), much rather of the Tribes than of the Centuries. The word Populus is a strong argument with those who would have us read Centuries: *e. g.* "rei ad populum" (II. 54), "reus ad judicium populi" (II. 61). But Populus seems only to mean that it was one of the great trials, the Judicia Populi, as they were called, without any peculiar reference to the Centuries. The reader will pardon this second note on the same subject, if he reflect that the whole chapter which he is reading depends upon the activity credited to the Tribunes and the Tribes.

[2] Liv., II. 51, 52. Dion. Hal., IX. 27.

It does not, after this, seem probable that the Tribunes would, for want of vigour or understanding, allow their friends and advocates of the higher estate to perish by execution or in exile. The transition indeed, from idle looking-on, as in the persecution of Cassius, or tardy appreciation, as in the overthrow of the Fabii, to zealous and successful retaliation upon one, like Coriolanus, who had injured the Plebeians, is so striking, that it is to be feared lest the legend be placed too soon in the sketch we are endeavouring to design. Trusting, however, to the great modern historian of Rome, who advances the date of the story concerning Coriolanus some twenty or thirty years,[1] we may here relate the first actual triumph which the Tribunes of the Plebeians effected against their generally more powerful antagonists.

We must take for granted that the arrogance of Caius Martius Coriolanus was heightened in the legend, because of its congeniality to the pride by which most of his order were characterised, and that he is to be regarded, not merely as an individual, but as a personification of what has once before in this history been called Patricianism. This being premised, it may be safely read that there was once a man in Rome so brave in arms that the name he commonly bore was taken from a captured city,[2] who was said to have fought against Tarquin, at Regillus, and to

[1] See Niebuhr's History, vol. II. pp. 51 *et seq.*, 114.

[2] Corioli, which, however, was one of the Latin towns at peace with Rome. It may, indeed, have engaged in war, separately from its confederates. See the explanation in note 16 to chap. XI. of Arnold's History.

have borne the brunt of many a later conflict. The hero carried the same spirit to which he owed his renown in war into his manner and policy in times of peace;[1] baffling the Tribunes in every exercise they ventured of their authority, and opposing the desires of the lower estate, whether right or wrong, because the Plebeians deserved to have no wishes of their own. So wild was his animosity, that, on seeking the Consulship, he was rejected by the Centuries, in which the votes of the higher classes predominated, as if the majority of the Patricians, however anxious to maintain their own inviolability, were nevertheless aware that the Plebeians had better be taught to look up to them as their protectors than hate them as their oppressors. Angered by his repulse at the elections, Coriolanus put forth all his energy, as it appears, to rouse the more violent men amongst his order to resume the attitude in which they had long stood exulting over their prostrate fellow-citizens. A famine occurred, so general and so alarming that it was necessary to seek supplies from foreign nations; and when they arrived, to feed, as was supposed, the starving poor, Coriolanus is reported to have addressed the Senate in this wise: "If yonder rabble will have the grain they need, let them restore to us our ancient authority. Am I, who could not brook a king, to bear with a Tribune, a Triton of the minnows? Let them secede again;

[1] "Nature,
Not to be other than one thing, not moving
From the casque to the cushion, but commanding peace
Even with the same austerity and garb
As he controlled the war."
SHAKS., *Coriol.*, IV. 7.

the way is open to their Sacred Hill, or to any hill they please!"[1]

Such words, uncertain though they be, are the best description[2] of the feelings which long excited the Patricians, from father to son, through many generations, against the growth of freedom in the Commonwealth of Rome. In the present instance, they were met as they deserved. The Tribunes called the Plebeians to hear the outrage which Coriolanus was urging in the Senate-house, and when he came forth with the other Senators, he would have been assailed by the multitude, infuriated by want of food as well as by wish for freedom, had not their Tribunes interposed to summon him to trial before the Tribes. Coriolanus retorted, that they had no right[3] to sit in judgment upon such as he; but the Tribunes were resolute, and even the Senate warned him he must yield. All that the Patricians, or the party of which he was the leader, could do for him was done;

[1] A free translation (with Shakspeare's assistance) from Liv., II. 34.

[2] Which is at all historical. Such poetry as the following is more valuable :—

"We must suggest the people in what hatred
He still hath held them; that, to his power, he would
Have made them mules, silenced their pleaders,
And dispropertied their freedoms; holding them,
In human action and capacity,
Of no more soul, nor fitness for the world,
Than camels in their war; who have their provand
Only for bearing burdens, and sore blows
For sinking under them . . . .
This viper,
That would depopulate the city,
And be every man himself."
Coriol. II. 1, III. 1.

[3] Saying, according to Livy (II 35), "Auxilii non pœnæ jus datum illi potestati, plebisque non patrum tribunos esse." Dionysius says (VII. 45) that Coriolanus was further charged with aspiring to make himself tyrant.

menace, surely, and violence were not spared; but the Plebeians, not, perhaps, without the aid of their supporters amongst the Patricians, were nerved for once to use their faculties of self-defence, and Coriolanus departed into banishment. The story of his return with the Volscians is not otherwise a fabrication except that he must rather have been a follower or an officer than the general in command. It is no greater fiction, that he should have been besought by messages and embassies to leave the invaders, or that he who came in arms against his country to purge it from the class he hated should have submitted to his mother's expostulations and his wife's tears, entreating him to begone.

The next step of the Tribunes, after thus prevailing against a Patrician who had endeavoured to violate the charter, as it may be called, of the Plebeians, was to use their authority in calling others to account for injuries to the Commonwealth at large. In the year after the trial of Menenius, one of his successors in the consulship, Spurius Servilius, was impeached by two Tribunes for having sustained a defeat by the Etruscan forces in the very sight of Rome, under the Janiculan hill; but so manly was his denial of treachery or incapacity, that he was readily acquitted.[1] The old disputes concerning the Agrarian law recurring within a year or two, more warmly than ever since the death of Cassius,[2] the Consuls at the time, Lucius Furius and Caius Manlius, opposed

[1] Dion. Hal., IX. 28, 33. Liv., II. 52.

[2] In consequence, as Niebuhr conjectures, of victories lately gained over the Etruscans. See Dion. Hal., IX. 37.

it, like their predecessors, with all the weight of their authority. As soon as they returned to the condition of private citizens, they were both accused before the Tribes by Cneius Genucius, a Tribune. Belonging, apparently, to the extreme party of their order, and with the fate of Coriolanus before their eyes, Manlius and Furius gave way to great alarm; assuming the mean attire in which the accused were often wont to implore the votes of their judges in their behalf, and taking every precaution that could secure them against condemnation, to the extent even of soliciting the younger men of their own order to assist them in face of the Plebeians. The Patricians, says the historian, were fired by these entreaties;[1] and if the Patricians be understood to mean the younger men, as above, or the partisans generally of the ex-Consuls, the statement is perfectly natural. On the morning of the trial, Genucius was found dead in his bed; and the friends of those he had accused rejoiced aloud that there were foul means as well as fair to curb the insolence, as they styled it, of the Tribunes.[2] The murder of one man was not the only instance of the same unblushing principle being put into execution;[3] but the history of these years grows darker, and closes in the midst of horrors.

[1] Liv., II. 54.

[2] "Palamque ferretur malo domandam tribunitiam potestatem." Liv. II. 54. Cf. Dion. Hal., IX. 38:—*Δαιμόνιόν τι κωλύσεως συγκύρημα ἔδοξεν εἶναι, κ. τ. λ,*

[3] Dion. Cass., Frag. XXII. Script. Vet. Collect. A. Maio, tom. II. p. 151. Zonaras, VII. 18.

Zonaras, one of the Byzantine historians, lived as late as the 12th century of our era. He supplies, now and then, the gaps in Dion Cassius, whose history he followed in relation to Rome.

It had already cost the Plebeians or their champions many a struggle to keep the power of their Tribunes in the place it was intended to occupy among the institutions of the Commonwealth; but the murder of Genucius proved an incentive to energy rather than a motive to despair. The very same year,[1] an enlistment, in itself an occurrence of every day, was held; in the course of which a Plebeian named Volero Publilius, formerly a Centurion, was summoned as a common soldier. He refused to obey the orders of the Consuls, and appealed to the Tribunes for assistance. None answering his call, he beat back, with the aid of some who stood near, the lictor sent to seize and scourge him, and shouted loudly, that he appealed to the Plebeians themselves. "Help, fellow-citizens! Help, fellow-soldiers! Wait no longer for your Tribunes, who need your support more than you need theirs!" The cry was heard; and lictors and Consuls were soon flying from the Forum.[2] Escaping punishment himself, perhaps by boldness, perhaps by concealment, Publilius was shortly after elected Tribune, and entered upon his office with the same resolution to maintain the rights of his order that he had already shewn in his own behalf.

There were proofs to stare such a man in the eyes, besides his own experience just related, that the Tribunes were too often Tribunes of the Patricians rather than of the Plebeians. It could scarcely have

[1] A. C. 473, according to the chronology we have hitherto followed.

[2] Liv., II. 55.

been otherwise. Apart from the fact that the tribuneship was inferior, in every respect, to the higher magistracies, and that the individuals appointed to it were very likely to be too old or too down-hearted to use even the powers that it had, it was an office in the gift of the Centuries and the Curies,[1] the latter positively, and the former virtually, a Patrician assembly. Volero Publilius, bold enough to do what others had undoubtedly been wise enough to see should be done, prepared a bill providing for the election of the Tribunes by the Tribes,[2] and laid it apparently, before the Centuries; before that, rather than the assembly of the Tribes, which had not as yet assumed even the initiative in acts of legislation.[3] Be this, however, as it may, the advantage of the proposed reform was instantly made manifest; for of the four colleagues whom Publilius had, two were so much under Patrician influence as to oppose him with all the earnestness his adversaries could have desired.[4] He, however, undaunted by the resistance offered him, succeeded in bringing his project forward; but bravery and resolution like his could not be universal; and the year wore away in disturbances, re-

[1] By reason of their right of confirmation, which Niebuhr supposes to have been surrendered before the election of Publilius. Hist. Rome, vol. II. pp. 91, 100.

[2] "Ut plebeii magistratus tributis comitiis fierent." Liv., II. 56. It will directly be observed, that this at first concerned only the Tribunes.

[3] Here, however, it cannot be too openly confessed that our narrative is resting upon conjectures. Livy (*loc. cit.*) says, "Tulit ad populum." Dionysius (IX. 41) very evidently believes the bill to have been brought before the Tribes.

[4] This is the more probable account of Dionysius. Livy says the contrary.

newed as often as the bill was mentioned by its author or his supporters. The devoted perseverance of Publilius himself is beyond a doubt. It is indirectly testified by the historian, who expresses his surprise that the Tribune should have made no effort to revenge himself upon the Consuls for their conduct towards him at the time of the enlistment;[1] and is proved directly by his reelection to the tribunate for the succeeding year.

With Publilius was chosen another Tribune, Caius Lætorius, of still greater boldness. He, with his colleague's assent, came forward to amend the bill, as yet a mere proposal, by making its single clause transfer the election of the Ædiles,[2] as well as that of the Tribunes, to the Tribes, and furthermore, by adding a new provision to endow the same assembly with the right of free discussion upon subjects of every kind.[3] It requires a moment's reflection to weigh the full effect of the addition which the bill thus owed to Lætorius, or to the support he gave Publilius. Hitherto, the tribes had met to debate upon their taxes, and in some rare instances, as we have observed, to decide upon the sentence of political offenders; but, with few exceptions, it was forbidden them to hear or to deliberate upon matters in which they might be supposed to take the deepest interest. In consequence, the Plebeians depended entirely upon their subordinate places in the Centuries, or

[1] "Post publicam causam privato dolore habito." Liv., II. 56.

[2] See note 3, p. 412; and compare Dion. Hal., IX. 41, 43.

[3] Dion. Hal., IX. 43.

oftener upon the activity and intelligence of their Tribunes, for any information, or even for any opportunity of conversation, concerning the public events that were passing by them, as the Tiber flowed, one wave after another, but all alike unmeasured and unhindered. The new was no sooner added to the old clause of the bill, than it appears to have been laid directly before the assembly it was designed to benefit, that, namely, of the Tribes.[1] No voice had ever broken the silence, as it were, in which the Plebeians were wont to be convened, except in times of tax-gatherings or stormy trials, until Publilius and Lætorius claimed perfect freedom of deliberation, and the right, imperfect though that then were of legislation.[2]

It is plain that the opposition which had hindered the passage of the original bill through the Centuries would increase to violence against the additional substance it had received, and the unwonted manner in which it was now proposed.

The Consuls of the year,[3] Appius Claudius, the son of the Sabine Patrician, and Titus Quinctius, were elected, the former by the Curies, to oppose,[4] and the latter by the Centuries, perhaps to favour, the bill which Lætorius and Publilius were urging forward. Lætorius, especially, was sworn to succeed. He came into the Forum, on the day appointed for the meet-

[1] See the narrative in Livy (II. 56) of the assembly *in the Forum*.

[2] Depending upon Dion. Hal., IX. 43; Zonaras, VII. 17.

[3] A. C. 471.

[4] As Lætorius contended: "A patribus non consulem, sed carnificem, ad vexandam et lacerandam plebem creatum esse [Appium]." Liv., II. 56.

ing of the Tribes, and ordered the Patricians whom he saw gathered together there, with intents he well knew to be evil, to withdraw. As soon as he perceived, what he must have expected, that his commands were despised, he ordered some of the Patricians to be arrested; and when Appius, the Consul, who was in their group, bade them stand fast, nor fear an officer whose authority was binding only on the Plebeians, the Tribune, inflamed with wrath, sent his attendant to eject the Consul himself from the Forum. Appius ordered his lictor to seize Lætorius; but at this the multitude was stirred, and, after a brief but violent affray, the commands of the Tribune were enforced by a thousand attendants instead of one. The other Consul, Quinctius, and some of the liberal Senators who were with him, contrived to prevent any further tumult; although there could have been little tranquillity while every Tribe successively gave in its adhesion to the bill, and their leaders stood exulting, doubtless, and haranguing from the tribunal. The bill was no sooner passed, than a band of Plebeians hastened to the Capitol, in order, probably, to hold it as security for the acceptance of the bill, now become a decree of the Tribes, by the Senate and the Curies, without whose united consent the decree would never become a law. The menace, however, if meant as such, does not appear to have been required; for the Senate accepted and the Curies confirmed the proposal of the Tribes[1]

[1] "Lex silentio perfertur." Liv. II. 57. Dion. Hal. IX. 48, 49. Especially see Niebuhr's Hist., vol. II. pp. 104 *et seq.*

as readily, to all appearance, as if Appius Claudius and his party had been driven, not only from the Forum, but from the city. It has been sometimes thought, indeed, that the conflict in the Forum was more violent than appears in history, and that one or both of the Tribunes by whom the law was framed fell, slain in the strife preceding the votes of the Tribes.[1] If it were so, there can have been few memories, amongst all that were familiar to their successors, more precious than those of Caius Lætorius and Volero Publilius, the champions and the martyrs of Plebeian liberty.

The Publilian law, as it was always styled, was soon after[2] strengthened by another bill proposed by the Tribune Spurius Icilius,[3] empowering the Tribunes to proceed against any one who should interrupt them in presence of the Tribes, by fining the offender, or adducing him before the assembly to be more severely sentenced.[4] The new law, however, was not to protect the Tribunes generally, but particularly, as the presiding magistrates of the Tribes; and little scrutiny need be made, in order to perceive its intention to have been the

[1] Arnold's Hist. vol. i. p. 179.

[2] Dionysius (vii. 17) gives an earlier date; but no one can hesitate to follow Niebuhr, who says, "It"—the Icilian law—"must have been passed after the Publilian." Vol. ii. pp. 51, 109.

[3] Whom Dionysius mentions both at the time of the secession and at the trial of Coriolanus. v. 88, vii. 26.

[4] Dionysius (*loc. cit.*) speaks of the fine as the only punishment exacted by the law. Many modern writers represent it as the bail exacted from the offender. The statement in the text is therefore conjectural. The effect of the law is described by Cicero: "Contra verba atque interfationem legibus sacratis armatus [tribunus]" Pro Sext., 37.

security of the assembly itself, in proceedings like those which Appius Claudius had nearly interrupted and in that way ruined. The Icilian law is thus an appropriate illustration of the spirit called into action by the Publilian, and is undoubtedly worthy of being considered a proof that the Plebeians had obtained some legislative power by the latter law.

The different conduct of Appius and Quinctius, the Consuls, respecting the passage of the Publilian bill, was not lost upon the Plebeians, who revered their friends with nearly as much fidelity as they detested their enemies. On taking the field, according to the custom of every year, Quinctius was enabled to keep the enemy at bay and lay waste their territory, while Appius Claudius was twice defeated by the foe to whom his army was opposed. Each Consul, of course, commanded the same sort of soldiers; but the orders of the one were reluctantly executed by his men, who grudged him a triumph,—whereas the other, Quinctius, was cheerfully obeyed and joyfully hailed victorious. The second defeat of Appius was so shameful, that he punished many officers who had fled, by flogging and death, besides ordering every tenth man in the ranks to be beheaded. Much as this sentence must have exasperated the army and the people against the Consul, there was no resistance offered amongst the troops, nor did the Tribunes at the time conceive, apparently, the idea that he was to be accused of having inflicted a cruel punishment upon his faithless soldiers. But when, in the year succeed-

ing, Appius came forward, hot and haughty,[1] to hinder the revival of the Agrarian law, he was then attacked, as if the long account of his own and his father's offences were to be rendered at last. Accused by two of the Tribunes, and defended, as it seems, only by a minority of the Patricians, Appius changed neither countenance nor speech, but actually made the Plebeians hesitate to pronounce their judgment. As they recovered their spirits, however, his sank; and before sentence could be declared, he either went into exile, or, as is less probable, put an end to his days.[2] It could not have been possible for his enemies to refrain from rejoicing that they whom he and his father had wronged were avenged. His colleague, Quinctius, on the other hand, who had been kind and calm as any Patrician knew how to be, lived long and laudably; five times afterwards elected Consul, and serving the Commonwealth with such extraordinary merit, that the name of Capitolinus was rather honoured by him than an honour to him.

A time of trouble followed the fall of Appius. In the same year, Tiberius Æmilius, a Patrician of no great strength, but then in the consulship, declared in favour of the Agrarian law[3] that Appius had, unfortunately for himself, opposed. The same Æmilius,

[1] As if, says Livy, he had been a third Consul. II. 61.

[2] Livy (II. 61) and Dionysius (IX. 54) both say that he died by his own hand to escape the shame of being condemned by the Plebeians; but Niebuhr maintains the exile. See his History, vol. II. note 754.

[3] His father, Lucius, who had thrice been Consul, took the same side. Dion. Hal., IX. 51.

being again Consul, three years afterwards, joined the Tribunes in their efforts to bring about the division of the public lands,[1] now mooted for twenty years in vain. After all the advantages gained by the Plebeians, in the humiliation of their opponents and the extension of their own privileges, it would appear that their desires to have houses and homes were not merely too reasonable, but too simple, to be resisted. Nor is the refusal of the Patricians to loosen the hold they and their fathers had always had upon the domain of the Commonwealth to be regarded as the only cause of the continued failures we have met, from time to time, of the attempts to put the law of Cassius into execution. It must be clearly understood, that, however ill-disposed the greater proportion of the higher estate may have been to provide for the poor of the lower, their denial of charity, even though it were a charity of uncommon kind, was supported by the indifference of a large number of the Plebeians, who, being themselves possessed of comfortable estates, cared not a straw for the relief of the indigent beneath them. Almost yearly, nevertheless, there were benevolent or ambitious men in office, to put themselves at the head of the lower classes and call for a distribution of the spoils which had been won from warfare, in the shape of lands and dwellings.

But the very difficulty that has hitherto been silently passed over in these pages, of deciding whether the Tribune or the Consul were acting from selfish-

[1] Liv., III. 1.

ness or disinterestedness, is an insuperable bar to any discoveries concerning their supporters. The mere doubt, however, implies some explanation of the postponement of the often-mentioned law. Tiberius Æmilius was in a position, evidently, to be more successful than any who had yet brought the law forward; but even he was content with the proposal of his colleague, Quintus Fabius, the survivor of the great Fabian family, whose opinions he did not share, to send a colony to the lately conquered town of Antium.[1] Instead, therefore, of settling the entire body of the needy Plebeians as independent husbandmen, a small number only of them were enlisted as a garrison, to be rewarded by portions in the land or city they could not defend. Antium was lost, a few years afterwards, by revolt or conquest;[2] and the Plebeians were as far from being relieved or satisfied as ever. If they learned to trust in themselves or their better Tribunes, instead of depending upon Consuls, like Fabius, unwilling, or, like Æmilius, unable, to assist them, it was well.

It was not the experience of a single year, but the course of their whole lives, which taught the Plebeians to rely so much upon themselves, as to prepare, indeed, their triumph, but also to make it one in which their inferiors would have no share. One scene, witnessed at some period near the present, and happily shrouded from our sight in all its details, was full of horror. Nine men, whether magistrates

[1] Dion. Hal., IX. 59. Liv., III. 1.

[2] Liv., III. 23; corrected by Niebuhr, vol. II. pp. 119, 120.

or citizens is unknown, but certainly both Patricians and Plebeians, were burned alive for having, apparently,[1] taken too active a part in the support of what may be called the Plebeian faction; that faction, of course, being then for a season overcome. Another year, we find mention of the Plebeians as having looked on,—it must have been involuntarily,[2]—while the Consuls were elected by other votes than theirs. Without, meanwhile, the enemies of Rome, unwearied and devoted to achieve her overthrow, were threatening her recent conquests and her ancient possessions. Within, besides the frays of the Forum and the Senate, diseases raged, so fatal, at one time, that both the Consuls were struck dead, and a multitude of the most eminent citizens perished.[3] The sufferings of the lower classes, though untold by any historian, were more terrible; and again the old afflictions of cruelty and bondage pressed heavily upon the sick, the starving, and the bereaved. Yet there is never an evil without its infusion or its preparation of good; and they who survived the pestilence had learned the lesson, that the greatest in their Commonwealth were as mortal, and as subject to the laws of nature, if not of the Heaven then unseen, as the meanest whom they had despised and who were often content to be despised.

Ten years, exactly, from that in which Publilius first put forward the claim of the Plebeians to elect

[1] The reader will most readily refer to a note in Arnold's History, chap. XIII. note 39.

[2] Livy's explanation (II. 64) is altogether unsatisfactory.

[3] Liv., III. 6, 7.

their own champions,[1] Terentilius Arsa, then Tribune, proposed a bill providing for the settlement and publication of some suitable laws, on which the Patrician magistracy of the consulship should be made thereafter to depend. Notwithstanding all their power within, and their still greater authority without the walls, the Consuls were bound by no other restraints than were involved in the right of appeal and the office of the Tribunes. In a peaceful state, these might have proved sufficient to prevent any very arbitrary acts against the lower classes; but in the Commonwealth, whose name was but a mockery, so long as its citizens were contending with one another, order with order, and man with man, the Tribunes, even when faithful, were often powerless, we may believe, and the cry of the debtor or the soldier for judgment by his own comrades was continually stifled or else unheeded. It became, therefore, of paramount importance to restrict the exercise of the highest authority over all the classes of the people; and Terentilius, the Tribune, may have thought the justice he desired would be secured by the single stipulation of his bill. It was further provided, however, that the bill should be carried into effect by ten commissioners, half Patricians and half Plebeians, to revise, and especially to write, the laws existing or proposed.[2]

[1] Therefore in A. C. 462.

[2] "Ut quinque viri," says Livy, "creentur legibus de imperio consulari *scribendis*." III. 9. Dionysius says (x. 3) there were to be ten commissioners; and Niebuhr (note 654 to vol. II.) settles the question.

Terentilius watched his opportunity and laid his project before the Tribes during the absence of both the Consuls; but their part was at once assumed by Quintus Fabius, the same previously mentioned, then Prefect of the city. Through his menaces, the other Tribunes were induced to stop all further proceedings of their colleague, until the Consuls could return; and when the first obstacle was removed, fresh ones were set in the way of Terentilius, who, with increasing spirit, overcame them all, and carried his bill triumphantly through the Tribes. But when brought up into the Senate for adoption, it stuck fast; nor could any efforts of the Tribes or the Tribunes dislodge it from its position as a useless bill, with which nothing could be done, until the Senate should pass it to the Curies, and the Curies give it back, as a law, to the people. It lay idle, therefore, through that year and the next, when, though presented anew by all the five Tribunes, it was received with ominous warnings from the Sibylline books,[1] and again consigned to inactivity. Had the Patricians contented themselves with working upon the superstitious fears of the Plebeians, the designs of Terentilius might have been longer confounded; but the violent means they presently adopted only made the people more anxious and the Tribunes more resolute to obtain the law, whose necessity was daily proved.

[1] These, sold in a strange way, according to the familiar tradition, to the last Tarquin, were in the charge, at this time, of two Patricians, chosen for life, under the title of the Duumviri Sacrorum, to keep, and, by the order of the Senate, to consult, the books in case of need.

It is more than history can do to describe the excesses of the faction for the time uppermost. Only some scattered instances are mentioned of wrongs so foul[1] as to imply the commission of other crimes less aggravated, but more numerous, against individuals, families, and classes of the weaker estate; and the imagination of the reader can alone set before him the scenes natural to a state of society, where contest was so frequent, and restraint upon the powerful so weak as in that of Rome. One Patrician, Cæso Quinctius, younger than many, is described as the most notorious of all for his wild and reckless ways. Stout in frame, and winning in address,[2] he was at the head of a band as violent as himself, and liking nothing better than to be set against the multitude of the Forum. An affray was raised, one day, to hinder the proceedings of the Tribes, assembled, it is said, to take some measures in favour of the Terentilian bill. Cæso Quinctius was, as usual, foremost; but when he and his companions were actually driving the Tribunes like sheep before them, one, named Virginius, turned like a man upon his pursuers, bidding Cæso prepare himself to answer for his life, before the Tribes, on some future day. The trial came, and before judges who believed their freedom, as the historian writes, to be staked on Cæso's condemnation;[3] the prosecution being conducted under the Icilian law, recently described, for having mo-

[1] Liv., III. 13, 33. Dion. Hal., X. 25. Dion Cass., Fragm. Maii, XXII.

[2] Dion. Hal., X., 5. Liv., III. 11.

[3] Liv., III. 12.

lested the Tribunes in presence of the Tribes. Many of the most illustrious Patricians appeared in his defence; and his father, Quinctius Cincinnatus, a man remarkable for his unyielding temper, besought the pardon of his son. But as the trial continued, an individual, some time before a Tribune, came forward to accuse Cæso of having committed a murder, for which he, the witness, had vainly entreated redress at the hands of the Consuls. The Plebeians heard his story with exasperation; and Cæso would have been cut down where he stood, had not the Tribunes interfered and taken bail for his appearance on another day, to defend himself against the new and weightier charge. He fled forthwith into Etruria.

If the wind were changing, it still blew with boisterous blasts. A thousand Cæsos seemed to have risen up in the place of one;[1] and the Tribunes were again and again insulted, the Plebeians and the poor again and again aggrieved. A conspiracy was soon on foot between the fugitive[2] and his friends in Rome, to bring about his return; and the Plebeians, whose limbs and lives were not yet saved, awoke one night to hear the clash of arms, and the cry that the Capitol was in the hands of strangers. The morning brought the report, that Appius Herdonius, a well-known[3] Sabine, at the head of some exiles and slaves, had come in, of his or their own accord, to secure their return or their liberation; and procla-

[1] Liv., III. 14.
[2] Dion. Hal., x. 10, 11.
[3] Ibid., x. 14.

mation was made from the Capitol, that the slaves throughout the city should have their freedom, and the poor their rights, as soon as the enterprise of those in the citadel should succeed. One of the Consuls at the time was Valerius Publicola, a son of the old Patrician of that honourable name. While his colleague was consulting with the Senate, Valerius came forth to remonstrate with the Plebeians or their Tribunes, who, convinced that Cæso Quinctius was with the exiles, and that the Patricians were all in the plot with him, were refusing to arm themselves for the Recovery of the Capitol. It marks the idea which the Roman historians conceived, rather than the actual character of the Plebeians, that they should be described as endeavouring, while Herdonius or Cæso was in the city, to pass their Terentilian bill, towards whose transformation into a law they could do no more than they had already done. Valerius, however, may very naturally have promised them that he would do his best to forward their favourite project as soon as the Capitol was cleared, at the same time that he assured them of the innocence of the Patricians of all participation in the return of the exiles, or the purposes which the Plebeians were no cowards to fear. His words persuaded the people, ready, indeed, as any, individually and collectively, to defend their homes against invasion; and, joined by a force sent in from Tusculum, they dashed up the hill, and took the citadel by rapid assault. Herdonius was slain, and Cæso, if he was there; but the brave Valerius also fell, in the

moment of the victory he was foremost in winning.[1]

Year followed year, in which the traditions of wrong and bloodshed lie thick and gloomy; nor is it here necessary to grope amongst them for any further evidence of the circumstances in which the first works of the Tribunes were accomplished. Even the men most distinguished above the rest, like Quinctius Cincinnatus,[2] the father of Cæso, were filled with a species of fury which might have made them warm Patricians, but which certainly excludes them from any prominent place in the history of patriotism or liberty. There are some things, however, to observe as signs of better times. The union between the Plebeians and their Tribunes appears to have been remarkably constant, considering the trials through which they toiled and the breaks that are apt to occur between any popular party and its leaders. For five years, the same Tribunes were elected and re-elected, to pursue the same measures in promotion of the lingering Terentilian bill;[3] and it may very well have been, during these successive terms, that the supporters became the amenders of the project of their predecessor.

Some time or other before the bill prevailed, it was so enlarged as to propose the reformation, or to speak

[1] Liv., III. 15—18. Dion. Hal., x. 14—17. A. C. 460.

[2] Livy (III. 19, 20) describes the madman whom Christians have mistaken for a patriot. The story of Cincinnatus at the plough, and all that sort of thing, scarcely agrees with the testimonies in history concerning him and his family.

[3] "Iidem tribuni, eadem lex." Liv., III 30.

more correctly, the inscription, in public, of all the laws concerning institutions or individuals, as well as those relating to the authority of the Consuls. Otherwise, indeed, it would be difficult, with all the proofs of Patrician temper before us, to account for the virulence with which the bill of Terentilius was still opposed. The Tribunes of the five years might have been again chosen, had not the number of their college, as they were called collectively, been increased from five to ten, under a condition, imposed by the Senate or the Curies, that the same Tribunes should never be chosen a second time.[1] In a period of so much disorder, public and private, it was of the greatest advantage to the Plebeians to have as many protectors as they could obtain ; and it is an additional intimation of increasing spirits amongst them, that, in spite of the terms just mentioned, the first ten Tribunes were all reelected for the following year. In the course of this second term, the efficiency of their office was still further secured by the agreement of the Tribunes, under oath, to stand fast by one another, in the proceedings they should resolve together to pursue.[2]

This laudable resolution was almost immediately followed by the bill of the Tribune Lucius Icilius, to convey the Aventine hill to the Plebeians, as their peculiar and exclusive possession. Although the earliest homes of the lower estate had been marked out upon

[1] "Ne postea eosdem tribunos juberent." Liv., III. 30.

[2] Dion. Hal., X. 31. Οὕτως οἰόμενοι μάλιστα τὸ τῆς δημαρχίας ἀκατάλυτον ἔσεσθαι κράτος, κ. τ. λ.

the Aventine, they had of course been surrounded by fields or lots, like all the rest of the public domain in the occupation of the Patricians; and these were now demanded for the Plebeians. It was little for the higher order to surrender, not only because there could not be much land left upon a single hill, but likewise because the Aventine, still, as long after, stood beyond the Pomœrium, the hallowed boundary of the city. The Consuls, accordingly, made no hesitation about presenting the bill to the Senate, before whom Icilius was admitted to speak in its behalf, and by whom it was accepted, being then confirmed by the Centuries. The law provided for the indemnification of the Patricians for any buildings or improvements they had made upon the lands; and when this was done, the Plebeians took possession of the hill with solemn ceremonies. There was no space, of course, for every member of the order to have a separate dwelling; nor would many, who were comfortably settled in town or country, have any desire to remove to the Aventine; but to all alike it was an object of congratulation that they had a place to meet in, apart and secure, even if there were comparatively few to make it their habitation.[1]

In deciding that the bill concerning the Aventine should become a law, the Senate may only have desired to stop the mouths still clamorous for the

[1] Livy (III. 31) mentions the law as having been quietly passed; but Dionysius (x. 31, 32), more improbably, makes it the cause of tumult and violent opposition.

Terentilian bill. It may have been for the same purpose that the Consuls of a year or two afterwards procured the passage of a law by which their authority of laying fines upon the Plebeians was restricted, and the same power conferred on other magistrates.[1] So the appointment of three Patrician commissioners to make a voyage in quest of the laws of Greece,[2] and, perhaps, of other lands besides, was a fresh device, on the part of their order, to gain time against the long evaded claims of the Tribunes. On the other hand, however, the Plebeians were insisting upon their satisfaction, and renewing the older demands for lands. The adversaries of both measures were accused, and condemned to the payment of heavy fines:[3] signs clear as the dawn, that the estate which sat in darkness was determined to have its day.

On the return of the commissioners from Greece, there was no further delay. Another pestilence had fallen upon the city, in token, as the Plebeians would say, of the gods' displeasure at the injustice done them; and though it might be unsafe to think that the Patricians agreed with their interpretation, yet it is a fact that ten magistrates were speedily appointed by the Centuries, under the title of Decemvirs, to enter upon the great work of framing a legal and constitutional code for the Roman people. If it had been the design of Terentilius Arsa, ten years before,

[1] Cic., De Rep., II. 35. Dion. Hal., X. 50.

[2] Liv., III. 31.

[3] Dion. Hal., X. 33 *et seq.*, 42. Liv., III. 31.

that, of his ten commissioners, five should be Plebeians, it failed; for the ten were undoubtedly all Patricians, though it is very probable that some were taken of the milder as well as of the severer party. Appius Claudius, the same, probably, whose arraignment before the Tribes has been previously noticed, and who, if he were the same, had returned from exile and been chosen Consul, was, by virtue of his office,[1] one, and soon the chief, of the Decemvirs. The powers which he and his colleagues received were enormous. All other officers were suspended from their functions, while those of the decemvirate continued; and even the common liberties of the people, apparently, too, of the superior[2] as well as the inferior class, were in abeyance, until the Decemvirs should decide upon their resumption. The only restriction upon this boundless authority was that imposed by the Tribunes, who, before laying down their offices, secured the maintenance of the laws of Mons Sacer, and that concerning the Aventine.[3] Yet, as it was through the exertions of the Tribunes that the bill of Terentilius had been enlarged, and the election of the Decemvirs obtained, the sanguine Plebeians might trust, even through the professions and hypocrisies of Appius Claudius,[4] to obtain the justice they had long implored or required.

In one year the Decemvirs, while alternately en-

[1] If, as Niebuhr says, the two Consuls, the Prefect, and the two Quæstors for the year were joined to five others chosen by the Centuries. Vol. II. p. 144. The three commissioners from Greece were certainly amongst them.

[2] See Dion. Hal., x. 55, 66.

[3] Liv., III. 32.

[4] Dion. Hal., x. 54.

gaged in the administration of the Commonwealth, had so well employed themselves as to produce ten tables of written laws. They asked, however, a longer term in order to complete their labours; but, though all appear to have sought a reelection, Appius alone succeeded. Of his new associates, three were Plebeians;[1] yet the tradition, that the second Decemvirs assumed fresh pretensions, and were attended each by his twelve lictors, instead of taking turns in superiority, implies their faithlessness or their feebleness under the overweening influence of their colleague. Two more tables were the fruits of the second year:[2] and to the bitterness of these the imperfections of the entire code were in after times referred. But as there are only fragments of the Twelve Tables in existence, they can be judged only together; and the following chapter will inquire into them, not, again, merely as a whole, but, further, as the result of the first works of the Tribunes in Rome.

[1] Arnold., Hist. Rome, vol. I. pp. 299, 300.

[2] The two years were from the spring of A. C. 451 to that of 449.

CHAPTER III.

THE TWELVE TABLES.

"The Roman state; whose course will on
The way it takes, cracking ten thousand curbs
Of more strong link asunder than can ever
Appear in your impediment."

SHAKSPEARE, *Coriolanus*, Act I. sc. 1.

DURING the period over which we have passed, while institutions of private and public character were formed or established among successive generations, the law upon which they would naturally most depend was fluctuating and undetermined. Its original principles, such, even, as have been partially defined in a preceding chapter, were in a loose and unstable condition, so long as they followed the variable decisions of the different magistracies and tribunals of the Commonwealth. The Consul was not bound by the decisions of his predecessors, nor even by any system he may have himself adopted at the beginning of his year. The Pontiff could alter his canons as easily as they had been framed, and though the doctrines of his religion were supposed to be immutable, none knew the meaning of an unchangeable obedience to their behests. So strong, however, was the acquiescence of the Romans in the customs and ordinances of their

forefathers, that there could seldom have arisen any great departure from precedent or established principles of any general kind; and most of the ecclesiastical as of the civil ordinances, though unwritten, were, nevertheless, preserved by tradition or obeyed by impulse, as if they had been unalterable. The real evil of dependence upon this priesthood or that magistracy, for the delivery as well as the execution or the interpretation of unseen laws, was felt by the Plebeians, who, whether justice, even according to the Roman standard, were on their side or not, could never claim it with the same confidence that would have existed under a visible and undeniable code. It is fairly, therefore, to be called their triumph, that the Twelve Tables were composed.

The mission of the three commissioners to Greece has been often regarded as a proof that many parts of the great code of the Roman Commonwealth were derived from foreign sources; but though there was assuredly some reference to the laws of Greece in framing the Twelve Tables,[1] it was made, if we judge aright, only in order to perfect the form, and not to change the substance, of the Roman, that is to say, the Italian laws, which the Decemvirs gathered from the usages and institutions of their own country. The only novelty of the Tables, apart, of course, from some alterations of which we shall presently take account, was their being written or

[1] A statue long stood in the Comitium to Hermodorus of Ephesus, a sophist, who was said to have been employed by the Decemvirs in their work of compilation. Plin., Nat. Hist., xxxiv. 11. Digest. lib. i. tit. ii. 2, sect. 4.

engraved.[1] Their adoption by the Centuries,[2] to whom the Decemvirs were obliged to submit them, is as clear an evidence as can be desired of their nationality.

According to ancient authorities, the Twelve Tables contained an entire body of public, including sacred, and private law;[3] one class, that is, relating to the Commonwealth, the other to its individual citizens or inhabitants.[4] But as this is not a history of Roman law, we may pass over divisions and subdivisions of every kind with simple mention, provided we give proper heed to the general or particular features connected with the history of liberty. And the first, as it is the chief, remark to make is this,—that the demand of the Tribunes for lawgivers to study the advantage of both the great estates of Rome and equalise liberty amongst them[5] was partly, at least, fulfilled. However striking the provisions of the code in favour of the Patricians may have been, there was, at all events, henceforth but a single code for them and for the Plebeians.[6]

[1] "La bella novità di vederle scritte in XII. tavole." Emman. Duni, Cittad., &c., di Roma, lib. II. cap. 5.

[2] Liv., III. 34. Dion. Hal., X. 57. Niebuhr conjectures, from one of the slips which Dionysius is apt to make, that the confirmation of the Curies was also obtained. The Senate was unquestionably consulted.

[3] "Fons omnis publici privatique juris. . . . Corpus omnis Romani juris." Liv., III. 34. But Ausonius, in his triplets (Edyll. XI. 61.), has

"Jus triplex, Tabulæ quod ter sanxere quaternæ,
Sacrum, privatum, populi commune quod usquam est."

[4] "Publicum jus est, quod ad statum rei Romanæ spectat. Privatum quod ad singulorum utilitatem." Instit. Justin., lib. I., tit. I., sect. 4.

[5] "Qui utrisque utilia ferrent, quæque æquandæ libertatis essent," &c. Liv, III. 31.

[6] Hence Tacitus (Annal., III. 27) calls the law of the Tables, "finis æqui juris." See Mackeldey, Man. of Rom. Law, Introd., sect. 23.

The reduction of the consular authority was the main object of Terentilius Arsa, the first mover, as he may be entitled, towards the formation of the Roman code. It was not forgotten in the Tables. The resignation of the Consuls, though they who held the office were appointed to the decemvirate, was, as far as it went, the submission of their authority to the magistracy created by the labours of the Tribunes; and safeguards, whether old or new, were prepared against the day when the office should be restored. Forms of trial,[1] rights to be maintained,[2] and penalties to be inflicted[3] by such as held judicial power in the Commonwealth, were all defined, with detail so severe, that the Consuls, as judges, could no longer be, or be considered, arbitrary. One clause was directed against them, as well as against all who presided in the public tribunals, declaring the acceptance of bribes in that position to be punishable by death.[4] Another gave the appointment of Quæstors of Parricide to the people, whether to the Curies, Centuries, or Tribes is doubtful, without dependence upon the nomination of the Consuls.[5] If it be remembered that the consular authority, untouched by these enactments, was that which empowered its possessors to convoke the assemblies and propose to them laws in time of peace, while it included the absolute command of armies in war, one may not think that

[1] See the first two Tables, especially.

[2] In the 3rd, 4th, 5th, 6th, and 8th Tables.

[3] In the 2nd and 7th Tables.

[4] Aul. Gell., xx. 1.

[5] Digest. lib. i. tit. ii. 2. sect. 23. Cf. Tac., Ann., xi. 22.

it was much restrained. But the exercise of its judicial functions had, perhaps, been most oppressive, and the constraint of these, as well as of all the rest, by settled laws was sufficient to shew that Terentilius had not laboured in vain.

Some great reforms in the constitution of the assemblies, particularly of the Tribes and Centuries, appear to be denoted by a few remaining fragments of the code. The trial of capital cases was transferred from all other tribunals to the assembly of the Centuries;[1] to which the Patricians would be as willing to have recourse, in preference to the Tribes, as the Plebeians in preference to the Curies. The assembly of the Tribes was totally changed by the admission, on the one hand, of the Patricians with their clients, and, on the other, of the Ærarians, whether these were artisans, or inferior freedmen, or colonists and allies.[2] Perhaps the first consequence of such an enlargement was, as its authors hoped, to diminish the resolution with which the Plebeians had acted by themselves; but the second consequence could scarcely fail to shew itself in the importance of the Tribes as the national assembly of Rome. Other institutions of the higher class seem to have been left as they were found by the laws.

Many of the rights we have heretofore observed were solemnly confirmed by the Decemvirs. The

[1] Cic., De Legg., III. 19. Some other law appears to have particularly regulated the Centuries, and perhaps the other assemblies, in their legislative functions. Liv., VII. 17.

[2] As is inferred from various passages in Livy, relating to the times immediately following the decemvirate. See III. 56, 71, IV. 24, V. 30, &c.

great privilege of appeal was reiterated in several forms;[1] the citizen was protected against any undue prosecution;[2] and the freeman was to be considered free, until proved to be pledged or enslaved.[3] Usury was formally abolished, and the rate of interest fixed at a low sum,[4] which every honest debtor in ordinary times might hope to pay; though, if the debt were not discharged at maturity, it was then ordered, as if in justice to the security of property, that the debtor should be delivered over to any fate to which his creditor might choose to doom him.[5] Every individual, or, more especially, every citizen, received from the law, until, as in the case of the debtor, he was thought to have become unworthy of it, protection in property, in person, and in fame; nor could there have been expected, in times so rude, and from law-givers so superior in authority, more ample attention to the injuries which were harboured amongst the richer or the poorer, the higher or the lower classes, against one another.[6] The client was defended from the frauds of his patron;[7] the slave, even, from the violence of his master or any freeman.[8]

[1] "Compluribus legibus." Cic., De Rep., II. 31. Cf. De Legg. III. 3.

[2] "Vetant XII. Tabulæ leges privis hominibus irrogari." Cic., Pro Dom., 17. So De Legg., III. 19.

[3] Digest. lib. I. tit. II. 2, sect. 24. Dion. Hal., XI. 30. See Dirksen, Zwölf-Tafel-Fragmente, pp. 427, 730.

[4] "Ne quis unciario fœnore," 10 per cent., says Niebuhr, "amplius exerceret." Tac., Ann., VI. 16.

[5] Aul. Gell., XX. 1.

[6] See Dirksen, Fragm., pp. 724 *et seq.*, VIII. 1, 2, 3, 4, 6, 20, V. 8, VI. 1. Heinecc., Rom. Jurisp., pp. 622—624.

[7] "Patronus si clienti fraudem fecerit, sacer esto." Servius ad Æn., VI. 609.

[8] "Si servo [os fractum erat, pœna assium] centum et quinquaginta." Gaii Instit., III. 223.

Still there can be no question but that the Patricians maintained their superiority at great elevation above the place they granted to the Plebeians by their laws. The lower order, perhaps, would have done the same to their inferiors. Plebeian and Patrician, for instance, could not become man and wife;[1] and the religious privileges of the higher estate were as carefully withheld as their domestic rights from the lower.[2] It is scarcely worth while to repeat that the Twelve Tables were not intended to work a reform, personally, socially, or politically; but simply to bring together into a code, the same for all men, the customs or laws which had hitherto prevailed in scattered and undistinguishable forms. More restraints than appear in the broken fragments of the Tables were undoubtedly laid upon the growth of Roman freedom; but they who afterwards were born beneath them could measure, at least, the burdens they had to bear, and learn by balances and struggles to rid themselves of some.

The hopes of the Plebeians who had supported their Tribunes in bringing the legislation of the Decemvirs to pass were nominally gratified by being bound by the same law as the Patricians to their common country, and by the same law protected against their common enemies.[3] One advantage was gained by

[1] Liv., IV. 4. Cic., De Rep. II. 37.

[2] See the work, recently cited, of Emmanuele Duni, lib. I, capp. 3, 4.

[3] "Lex XII. Tabul. jubet eum qui hostem conciaverit, quive civem hosti tradiderit, capite puniri." Digest. lib. XLVIII. tit. IV. 3. "Adversus hostem æterna auctoritas." Cic., De Off., I. 12.

every man of either class, in having a fixed, and to him a venerable, standard of duty and defence. The dearer object of reverence than either Patrician or Plebeian had ever found in their gods or their fellow-mortals was set on high in the laws: it was the majesty of their country,[1] alike dependent upon and alike outspread above them all.

Such considerations as we have attempted concerning the Twelve Tables depend, it must be confessed, upon uncertain grounds with regard to the Tables themselves; and it is possible that one or two of the points we have connected with them ought rather to be attached to the subsequent times, in which they were expounded and preserved. It is proposed to run a further risk of the same character, in attempting to draw from later descriptions a few outlines in illustration of the forms of law and liberty in Rome.

The means and the ends of office, or, in other words, the method of obtaining and the manner of using it in any state, but especially in any free state, are always consistent with each other. Something has been already related, in the preceding pages, concerning the elections of the early Commonwealth, with reference, though unexpressed, to the spirit in which the citizen sought and entered upon authority. The subject, however, requires more particular attention; nor has the striking feature of almost all the elections that have yet occurred or will for a long

[1] "Majestas est quædam magnitudo populi Romani." Cic., Orat. Part., sect. 30.

time occur in our history, been delineated, though it may perhaps have been suggested by the tempestuous scenes of which mention has actually been made. An assembly, called to choose its magistrates, seemed to be gathered rather for the purpose of deciding the quarrels amongst its members. The Tribes, indeed, might have managed their affairs with greater decorum, because, formed of a single order, had not they, too, been often obliged to begin the election of their Tribunes by driving their adversaries, if they could, out of the Forum. In the Centuries, where the two estates were congregated to give their votes for one or both the Consuls, disputes and brawls must have been still more frequent, even though there were no Plebeians to be candidates, but only more or less liberal Patricians.

If we turn to the candidates themselves, we are as likely to hear menaces and to witness altercations; but the spirit in them is something more than violent. On the day of election, as for days and weeks beforehand, the seekers after any place in the gift of the assemblies were to be seen abroad in the thoroughfares of the city. Wearing the white, or "candid" robes,[1] from which they derived their name, and attended by a band of friends and a troop of partisans,

[1] The only garment they wore; for the reasons, according to Plutarch (Coriol., 14) either that suspicion of concealed money (or arms!) might be removed, or that the candidate might seem more humbly clad, or else that he might more easily display his wounds. Persius's words about the candidates are very bitter :—

"Ille palpo, quem ducit hiantem
Cretata ambitio," &c. Sat. v. 176, 177.

See *Coriolanus*, Act III. sc. 2, 3.

they would take up their march, as it might be called, tarrying with every one they met, to go through the same greetings and promises that are still, in some quarters, the usual parts of similar enterprises. The Roman, however, was bound not only to promise what he would do, but to shew what he had done; and it is indicative of the sentiments and the lives of his nation, that his most effectual hold upon their support was gained by drawing his toga from his breast, and exposing the marks of battle that he bore. The elections became, as they have since been apt to become, the parades of those who sought to profit by them; and the best men in Rome were trained and condemned to a self-seeking spirit, more fatal than ambition or tumult to the prosperity of a free people. Such being the characteristics of the elections, it will be in season, hereafter, to describe their corruptions and their manifold obliquities.

A second point to determine is the fashion in which the judicial powers of the Commonwealth were employed by the magistrates or the assemblies. The proceedings before a magistrate were soon, if not already, of minor importance, and distinguished by a separate name [1] from those before a body of judges or the people at large.[2] The Consul, indeed, the only magistrate invested with judicial authority in these times,[3] generally appointed one or more judges, and

[1] Jus.

[2] Then called Judicia, the proper trials.

[3] Neither the Quæstors of Parricide nor the Tribunes being exceptions, though the Tribunes may

probably from the Senate, to hear a cause, whether, it were a controversy or a criminal charge.[1] Other trials, called the People's, were conducted by the Quæstors, as we have observed, before the Centuries or by the Tribunes, before the Tribes; although it is now to be remarked that the law of the Twelve Tables removed capital cases to the cognisance of the Centuries alone. The writ or the accusation, in all causes, was followed by the security or the bail, before the proper magistrate, and then by reference to the judges or the assembly, according to the character of the charge or the suit preferred. If it were a case to be laid before the people, the first step to its prosecution was its assumption by a magistrate, who was said to name the day for the person accused to make his defence. Under these forms, as may be recollected, Coriolanus and Cæso Quinctius were brought to trial. Our present object however, is to mark how entirely the administration of justice depended upon circumstances, from which, in order to be correct, it needed to be entirely preserved. Whether it were the Consul, or the judges he appointed, or the assembly, who decided the important causes[2] that originated amidst the turbulence and the injuries of which we have, perhaps, formed some idea, it is per-

have possessed some power of laying fines. The judicial functions of the Pontiffs do not enter into our present inquiry.

[1] "Omnia judicia, aut distrahendarum *controversiarum*, aut puniendorum *maleficiorum* causa reperta sunt, &c." Cic., Pro Cæc., 2.

[2] The important causes; because more trifling matters were decided by inferior judges, such as Servius Tullius had instituted, or the Centumvirs.

fectly evident that considerations of interest and rank, or passions still more personal, would enter into and occupy the tribunals, where men sought equity and protection, too often in vain. The written laws might secure more justice than the unwritten had ever done; but to say this is to say all that can be said in its or their behalf.

One more moment of delay is requisite in order to consider, or rather to review, the process by which the highest powers of the Roman people were exercised in the creation of their laws. A law,[1] as has previously appeared, could not be made by any single magistrate or any single assembly. If a Consul wished one to be passed, he laid it before the Senate, with whose approval he then proposed it to the Centuries; but their votes, even if unimpeded by the veto of the Tribunes, or the report of the Augurs, were not sufficient to establish a law until the confirmation of the Curies could be obtained. In the same way, a Tribune brought his bill before the Tribes, and if it were carried by them, he proposed it as a petition, to which the consent both of the Senate and the Curies or the Centuries was indispensable before it became a law. The laws once established bore the names of their authors. Now, though the dependence of any act of legislation upon various public bodies was apparently a guaranty that the laws

[1] From which, of course, we must distinguish mere Acts of the Senate, as well as the Decrees of the Plebs, the Edicts of the Consuls or (in after times) of other magistrates, and the later Maxims or Opinions of the Jurisconsults.

of the Commonwealth would be such as approved themselves to many different judgments and interests, it was not really as it seemed. In the instance of a consular bill, the votes of the Patricians alone were paramount from its proposal to its passage, not even excepting its submission to the Centuries, in which, at the present period, the higher estate, with their supporters, were still supreme. The tribunitian bill, which had, it is true, its source in the desires of the lower estate, could be hindered, as we have seen, and stopped, until the current broke into a freshet and swept its way. It is hardly needful to remind the reader that the broils of trials and elections were equally common to the legislative meetings of the early, as indeed, of the later Romans.

Through these restraints and through these liberties the destiny of the nation was to be evolved. And as we stood by the hills and upon the plains, to watch the settlements they received, and the manner in which the city rose, so now, three centuries after, we look back and forward to signs unerring, that freedom will be hard to establish, and harder still to exercise aright in Rome. Every countenance seems to wear a scowl, and every hand to bear a sword, as if there were battles to fight rather than rights to win.

CHAPTER IV.

ACTIONS AND REACTIONS.

"This frame is raised upon a mass of antipathies."—Sir Tho. Browne, *Rel. Med.*, Pt. II. sect. 7.

The spirit of the Twelve Tables is much more easily ascertained than their letter can in any way be restored, by following out the events immediately succeeding to their establishment in Rome; though it be true that we must still walk among shadows, and that the operation of the laws will often prove uncertain, like their style. We shall yet be exclusively occupied by the early public growth of Roman liberty.

The Tables were hardly completed, and the last two were not even ratified by the people, when their emptiness seemed proved through the very men by whom they had been compiled. Appius Claudius and his colleagues began to wear the looks of tyrants,[1] and it was noised that they had the intention of making themselves what they seemed. Some of the Patricians, delighted at any system of oppression, supported the Decemvirs with all their zeal. Others, and the majority, aggrieved that their assemblies were not called together, and that the Decemvirs did

[1] "Decem regum species erat." Liv., III. 36.

not resign their power, were content to wait awhile before attempting force. Many, injured or wantonly offended,[1] withdrew, it is said, to their farms, forgetting or abandoning their own affection for authority. The Plebeians suffered, but perhaps no more than the Patricians. A certain number of them, also, appear to have left the city;[2] and most, if not all, would be as anxious as their neighbours to be done with the Decemvirs, and return to their own magistrates and assemblies. Yet from the narrative which presently follows, in the old historians, it can be plainly gathered, that, while both classes were weary of the decemvirate, a large party of the Patricians were determined that the resignation of the Decemvirs should be to their own advantage, whenever it occurred, and that the Plebeians should be prevented by every means from recovering their Tribunes or the recent powers of their Tribes.

Some time towards the close of the second decemvirate, the Senate was summoned to provide the means of defence against a threatened invasion from the Æquians and Sabines. Among the Senators assembled, after a prorogation of many months, were two who came determined to assail the Decemvirs and compel their abdication. One of these was Lucius Valerius, the grandson or grand-nephew of old Valerius, the People's Friend; the other, Marcus Horatius, descended from one of the greatest and the worthiest Patrician families. It is not too much to

[1] Liv., III. 36. [2] Dion. Hal., XI. 2.

say, even in the uncertainties of the present period, that, through these two men, the purposes just mentioned as hatching against the liberties of the Plebeians were utterly confounded. Valerius began to address the Senate against the Decemvirs, who instantly interrupted him; at which Horatius, nothing daunted, called out to them that they were "ten Tarquins," and bade them beware; for "men," he said, "were now thinking they suffered more than they could fear."[1] The debate became tumultuous, and though without immediate result, it shewed the Decemvirs their insecurity. As for the Plebeians, they seemed, for the moment, to be paralysed. Never had any enlistment been more rapid than that which was presently ordered by the Decemvirs in the Forum; and never had any campaign than that which followed, though two armies took the field, been more disgraceful. To be routed by the enemy was not so uncommon, perhaps, as the writers of Roman history would have it seem; but defeat was small dishonour in comparison with the death of Sicinius Dentatus, a Plebeian, long distinguished in war and the Forum,[2] who fell, slain by order of the Decemvirs,—though mourned, yet unavenged by his comrades, whom, in his last days, he had vainly endeavoured to rouse against their perils.[3]

Another tragedy was enacted in Rome. Appius Claudius, to whom the authority he possessed was

[1] Liv. III. 39.

[2] Pliny's account of his exploits is the portrait of every Roman hero of the times. Nat. Hist., VII. 29. So Val. Max., III. 2. 24.

[3] Urging them to secession. Liv. III. 43. Dion. Hal., XI. 25 *et seq.*

valuable only in its evil uses, had remained behind to pursue his designs against the daughter of a Centurion,[1] named Virginius, absent at the time, with one of the armies. No sketch has ever been or ever will be drawn of tyranny or wickedness more hateful than in the story which represents Appius, while his countrymen and colleagues were in the field against the enemy, as employing himself against an unprotected maiden, whose virtue was to him a fitter enemy to assail than legions or hosts of rugged men in arms. Virginia was brought before his tribunal to be adjudged the slave of his client,—in other words, his own victim; and all that her lover, Icilius,[2] could gain was the delay of a single day before the sentence and the lust of the Decemvir would take their course. Appius knew the motive for which Icilius simply pleaded to have the cause deferred,—that it was to call Virginius to his daughter's protection,—and therefore sent to bid his colleagues arrest their Centurion, before he could get away; but Virginius eluded their pursuit, and came to Rome. And none forget how, when his hope of saving his child proved weak against the brutality of the Decemvir, he stabbed her dead,[3] and fled, blood-stained, to implore his fellow-soldiers to revenge her horrible end.

Appius Claudius hid himself, in terror, perhaps at

[1] Diodorus (XII. 24) calls Virginius a Patrician.

[2] The same whose law had bestowed the Aventine on the Plebeians.

[3] As Alfieri says:—

"Un padre omai romano troppo."
Virginia, act. III. sc. 3.

the spectacle he had beheld, perhaps at the excitement increasing throughout the city. One army in the field, returning with Virginius, soon appeared at the city gates, through which it marched on to the Aventine. Icilius and Numitorius, the lover and the uncle of the murdered maiden, followed the father's example and hurried to the other army, which, like the first, marched back to Rome and through the city to the Aventine. Both forces, though the name of armies be preserved, were undoubtedly composed of Plebeians, who left their officers and Patrician comrades to do as they saw fit, while they themselves returned, as is related, to revenge the outrage that had been done Virginia. The unanimity of the Plebeians and the spirit they shewed, as will presently appear, seem to indicate some other purpose of theirs besides the punishment of any single crime, and reasonably magnify their occupation of the Aventine into the decisive step in some fierce contention between the two estates, ensuing upon the publication of the laws by the Decemvirs. However this may be, the soldiers were joined by the Plebeians from the city, equally decided to maintain their rights and liberties. Ten military Tribunes were chosen by each army, and of the twenty thus elected, two were appointed, by the advice of Virginius, to direct the negotiations whose proposal seemed already to be expected from the Senate. After some vain parleys, of which there could be no possible explanation, had the Plebeians taken arms to extort the abdication or even the punishment of the

Decemvirs alone, another measure, in that event still more unaccountable, was taken by those upon the Aventine.

They remembered what their fathers had done now five-and-forty years gone by; and at the suggestion of Marcus Duilius, the most trusted man amongst them,[1] they marched down together from the Aventine, and took their way, soldiers, citizens, women, and children together, to the Sacred Hill, where they quietly encamped.[2] In the city, or, as the city was now so empty that there were said to be more lictors visible than people, rather in the Senate, there appear to have been the most antagonistic opinions. Many held to the violent measures, that had failed, they would say, because never fairly tried; but a milder course was advocated by Valerius and Horatius, the same who had bearded the Decemvirs, with such success that they themselves were sent forth to make some terms with the seceders. The two were gladly welcomed to the hill, where they explained their own intents, and listened to the reply which Icilius is reported to have made. In the old traditions he was described as having laid peculiar emphasis upon the vindication of the wrongs committed by the Decemvirs; his demands for the restoration of the tribunate and the great right of appeal being mentioned as quite subordinate.[3] If our interpretation of the indistinct

[1] Elected tribune twenty-two years before, at the first election by the Tribes. Liv. II. 58.

[2] Liv., III. 52, 54.

[3] Liv., III. 53.

history we are reading be correct, the order of Icilius's claims must be reversed, and it may even be believed, besides, that the seceders would have exacted new rights in addition to those they had obtained of old.[1]

"Ye need a shield," replied Valerius or Horatius to the Plebeians, "more than a sword, just now;" with other words to persuade the multitude, or their leaders, to make more moderate proposals. As soon as these were obtained, the envoys returned. Straightway the Senate issued an edict declaring the Decemvirate at an end, and providing for the instant restitution of the former magistracies, with amnesty to all the seceders. The Tribes, accordingly, were formally convoked to meet under the presidency of the chief Pontiff, and elect their Tribunes; a summons that ended the secession. The whole band from the Sacred Hill marched back and up again to the Aventine, then crossed, still under arms, to the Capitol, and there, apparently, with such Patricians, perhaps, as chose to join them, elected ten good men, Virginius, Icilius, Numitorius, and Duilius, being of the number, to be their Tribunes.[2] A more formal meeting of the Tribes was soon after held, in which, as the national assembly, the ratification of the terms lately granted by the Senate, and the convoca-

[1] Demanding, it is said, to have their share of the consulship: *τῶν δὲ ὑπάτων τὸν ἕνα πάντως ἀπὸ τοῦ πλήθους καθίστασθαι, κ. τ. λ.* Diod. Sic., XII. 25.

[2] A fragment of Cicero (Pro Corn., I.) supplies our narrative:—"In Aventino consederunt; inde armati in Capitolium venerunt; decem tribunos plebis per pontificem, quod magistratus nullus erat, creaverunt." Cf. De Rep., II. 37.

tion of the Centuries to choose the two Consuls[1] were both proposed and carried. The Centuries elected Valerius and Horatius, as they appear to have well deserved.

The proceedings of the new Consuls were such, in every respect, as to confirm our view of the troubles which are generally represented as having ensued simply upon Virginia's death. To acts of the boldness and the resolution just described there must have been a stronger spur than the murder of a maiden scarcely known beyond her father's dwelling; and yet the laws which bear the names of Horatius and Valerius are the only positive grounds on which we stand, in believing the Plebeians to have revolted and seceded in consequence of the refusal of the Patricians to correct the deficiencies and oppressive purposes of the Twelve Tables. One law, for instance, proposed by the Consuls, granted to the Tribes the right of legislation, disputed since the days of Lætorius and Publilius, and probably omitted or prohibited in the recent code, notwithstanding the admission of the Patricians to the assembly. The bearings, however, of the new law are beyond the reach of precise observation; although it is easy to learn, on comparing the best accounts remaining, that the bills of the Tribes were to have the same force, henceforward, as those of the Centuries, and consequently that the scope of legislation in the hitherto inferior assembly might be enlarged to the full dimensions which

[1] Dion. Hal., xi. 45.

any single body in the Commonwealth, in this respect, was allowed.[1] A bill, of course, whether passed by Tribes or Centuries, was still dependent upon the assent of the Senate and the Curies in order to become a law.

Another measure of the Consuls, which they carried with no greater difficulty, but with less obvious advantage as a law, reiterated the right of appeal, established by Valerius Publicola, and more recently confirmed by the Decemvirs.[2] A third law was again a repetition, though very likely rendered necessary by the silence of the Tables on the point, by which inviolability was guaranteed to the Plebeian magistracies, and especially to the tribuneship;[3] while the fourth and last of the Valerian and Horatian laws, as they were styled, confided the acts of the Senate to the care of Ediles, in whose keeping the Plebeians, at least, may have believed the acts would be better protected against interpolation or concealment.[4] The gift of these laws to the lower estate from the Centuries, the Senate, and the Curies, at the proposal of the Consuls,[5] was the omen of juster and happier times.

[1] Τοὺς ὑπο τοῦ δήμου τεθέντας ἐν ταῖς φυλετικαῖς ἐκκλησίαις νόμους, κ. τ. λ. Dion. Hal., xi. 45. "Quod tributim plebes jussisset, populum teneret." Liv., iii. 55.

[2] Cic., De Rep., ii. 31. Liv., iii. 55. Perhaps, however, the appeal was now first declared to exist from all magistrates. It was, at all events, sufficiently important in the eyes of Duilius to lead him to propose its confirmation by the Tribes. Liv., *loc. cit.*

[3] Liv., iii. 55. Again confirmed on the proposal of Duilius, note 4, p. 455.

[4] "Quæ [Senatus-Consulta] antea arbitrio consulum supprimebantur, vitiabanturque." Liv., iii. 55.

[5] Whom Cicero describes with

But the sword, of which the Consuls spoke, when they were envoys to the Sacred Hill, pleased the Plebeians better than the shield then recommended to their use. Appius Claudius was first brought to trial; and at the command of Virginius, now armed as Tribune against the simple citizen, the guilty Decemvir was committed to prison, where he died.[1] One of his colleagues met the same fate; others escaped with confiscation and banishment; while the client who had claimed the hapless maiden for his slave fled, as if too mean for punishment. "The soul of Virginia," says the heathen historian, "happier in death than in life, found rest, at last, when the vengeance it required was fully paid."[2] Duilius, the leader in the secession, and now, as has been mentioned, among the Tribunes, was the first to declare himself against the work of persecution and revenge.[3] He had already carried a law to secure the election of Tribunes, without interruption, from year to year;[4] and he may well have thought that the Plebeians, by pushing their advantages too far, would endanger those they had already acquired. It was not much, indeed, that they could have insisted upon, after what they had received from the Patricians who supported their resolution.

the zeal that might be expected from him:—"Homines concordiæ causa sapienter populares." Rep., II. 31. Cf. Brut., 14.

[1] By his own hand, says Livy (III. 58); by the Tribunes' command, says Dionysius (XI. 46).

[2] Liv., III. 58.

[3] Liv., III. 59. Dion. Hal., XI. 46.

[4] In terms as follows:—"Qui plebem sine tribunis reliquisset, &c. tergo ac capite puniretur." Liv., III. 55.

Nevertheless, men were still restless and things still unsettled. The Tribes[1] took greater authority upon themselves, and granted the Consuls a triumph, refused them for party reasons in the Senate; yet the law does not seem to have been broken by being stretched, so much as by being loosened. Many of the Tribunes, perceiving, probably, an approaching time of trial, made bold to seek their reelection; but Duilius, who had been in office when some of his present colleagues were but boys, dissuaded or prevented them from receiving the votes of the assembly, over which he happened, possibly on account of his age, to preside. The staunch old Plebeian, however, was unable to subdue the wrangling which the election, for some reason or other, perhaps because the Patricians and their clients were taking part in it for the first time, excited on all sides. Five Tribunes only were chosen by the people; and when it was proposed to add the whole ten in office to their number, Duilius dismissed the assembly, saying it was the duty of the five elected, not of the Tribes or the former Tribunes, to complete their number.[2] Amongst the five then chosen, as it were supplementarily, were two Patricians, who had both been Consuls;[3] the only memorial, like a single fragment of a scroll, of the efforts of the higher estate, at this time, to regain their supremacy, that had certainly suffered in the few preceding years, but par-

[1] Liv., III. 63.

[2] Referring to a law, perhaps of the Tables, perhaps added by himself (see note 4, p. 455). Liv. III. 64.

[3] Liv., III. 65.

ticularly in the last. For the moment, however, the lower estate was determined to hold its own; and one of its eight Tribunes, as the Plebeians in office would be regarded, carried a law, forthwith, that the tribunitian elections ever afterward should be kept open until the full number of ten magistrates were chosen by the Tribes.[1]

Some years of difficulty succeeded, in which it is not very evident whether the upper or the popular faction were in authority. The next figure to be seen, however, is that of Caius Canuleius, a Tribune[2] and an ardent supporter of the Plebeians. It was partly through superstition, perhaps, as well as policy, that the Plebeians had been prohibited in the Twelve Tables from marriage with the Patricians, whose nuptials, on account of the auspices they alone possessed, were considered to be hallowed above those of any other class in Rome. If it were so, it was equally through superstition as through policy that the Plebeians desired to be relieved from the prohibition that condemned them to an inferior condition as husbands and as wives, at the same time that it precluded them from alliance with those whom they now considered their fellow-citizens. Canuleius, accordingly, proposed in his tribuneship, a bill to repeal the restriction upon intermarriage between Patricians and Plebeians.[3] The retort of the Consuls against the Tribune, as he was afterwards urging his cause, that the Plebeians had nothing

[1] Called, from its proposer, the Trebonian Law. Liv., III. 65.

[2] A. C. 445.

[3] Cic., Rep., II. 37. Liv., IV. 1.

to do with the auspices, which would be polluted by any connection with them or their mongrel offspring,[1] seems to prove that Canuleius introduced the question of intermarriage because it led most directly to that of the auspices he rather wished to claim. The second demand he made touched the point more boldly. Eight[2] of his nine colleagues joined him in preferring a second bill before the Tribes, that the Consuls should be chosen indiscriminately from both estates of the Commonwealth.[3] The Plebeians could not, of course, be Consuls without obtaining the auspices; but it was rather to daunt the Patricians into the acceptance of his first proposal, that Canuleius dared to ask for his order a place in the consulship, which would give them a greater share in the auspices than he had sought through intermarriage.

Resistance was to be expected; and it soon appeared. But when wars and enlistments began to be rumoured, in order, says the historian, to silence the Tribunes, Canuleius, standing without the open door of the Temple in which the Senate were assembled, swore, that so long as he lived there should be neither enlistment nor war, until the Tribes had been allowed to decide upon the bills proposed by himself and his colleagues. The menace being unheeded, and some severe action on the part of the Senate or the Patricians perhaps ensuing, an insurrection of the

[1] Liv., IV, 1. 6. "Plebes maxime indignatione exarsit, quod auspicari, tanquam invisi diis immortalibus, negarentur posse."

[2] Dion. Hal., XI. 53.

[3] Liv., IV. 1. Dion. Hal., XI. 53 *et seq.*

lower order broke out under the instigation, or, at all events, the direction, of Canuleius. Of the sad and furious scenes that followed, but one remains reported, in which we see the Janiculan hill beyond the Tiber in the possession of an armed and angry multitude.[1] The bill, however, concerning the marriage of the Plebeians under auspices, as it ought to be styled,[2] was passed in the midst of these unknown tumults; and it was very probably at the same time, or immediately afterwards, that the Tribunes were invested with the right of taking the auspices before the Tribes.[3] The moment of such gains was that from which the Plebeians might most accurately date their social and their political liberty.

It still remained, however, to settle the second project of the Tribunes concerning the consulship, upon which the Plebeians would be less intent after having won the privilege more directly calculated to affect them all. The Patricians, however, were on their guard. In a secret meeting, from which Valerius and Horatius are mentioned as having purposely absented themselves, it was first proposed, in plain language, to murder the Tribunes, but finally determined, that if the Plebeians, who had strangely increased of late, in power as well as in pretension, should compel the Patricians to yield, there should

[1] Florus, I. 25.

[2] It is in this connection that Duni's ingenious theories are to be most clearly accepted:—"Il dritto del connubio veniva ad essere, come un fondamento de' dritti civili" (cap. VI.); because, as he says, "l'originaria di lui [il cittadino Romano, era] fondata sulla ragione degli Auspicj." Cittadino, &c., di Roma, cap. IV.

[3] Zonaras, VII. 19.

be a new magistracy created, with authority inferior to that of the consulship, in order to foil at the same time that it satisfied the ambition of the rising order. An act immediately passed the Senate, ordering the election of Consular Tribunes[1] from both estates,—appointing three, probably, as the number which each was to have for its representatives.[2] As had been foreseen, the Plebeians were perfectly contented; and the act was accepted more willingly, it appears, by the Centuries, in which they voted, than by the Curies, in which the Patricians would hardly be consoled for the loss of the consulship by having outwitted their opponents. Three Patricians were elected to the new office; but of the numerous Plebeian candidates, none were returned, perhaps because they were so many that the suffrages of their order were scattered, or else because the Centuries by which the election was made were too much under Patrician influence to throw a sufficient majority of votes in favour of Plebeians.[3] The three Patricians took the place of the retiring Consuls, as Consular Tribunes, on whom the consular power devolved only so far as it was military. That the Plebeians were disputing, meanwhile, among themselves, after the fashion of most successful parties, appears from the fact, that, in little more than two months,

[1] Their full title was "tribuni militum consulari potestate." Liv., IV. 6.

[2] Liv., IV. 6. Dion. Hal., XI. 60.

[3] Livy (*loc. cit.*) believes the failure of the Plebeian candidates to have been caused by the "modesty, equity, and magnanimity of the people." Plutarch is quite as simple in his account of the office. Cam., 1.

the Consular Tribunes were compelled to resign; their place being almost immediately filled by two Consuls, just as of old, elected by the Centuries.[1]

Any disappointment produced among the shrewder Plebeians, by this return to the consulship, could scarcely have added much to that they had felt from the time when the office was first suspended. The readiness with which their order adopted the tribunate in its place can be easily understood, on recollecting the little interest to be excited amongst them, generally, with regard to an authority that most of them could never hope to gain; nor need we imagine that the ambitious or the wiser men were deceived. Even from the military powers, which were alone transferred from the old office to the new, the right of triumph was abstracted, while other honours and pomps were still farther removed. The institution or the proposal of the censorship, though originally intended to bear the authority which was necessary to take the Census, hitherto conducted by the Consuls, was one of the detractions from the consulship, in order to adapt the consular tribunate to the meaner station of those to whom it was committed. The Censors, two in number, were to be chosen, like the Consuls, by the Centuries, and from the Patricians alone, but, unlike the Consuls, they were to hold their office for five years.[2] The character of the new magistracy will soon be made more clear.

[1] Liv., iv. 7.

[2] "Censuræ initium, rei a parva origine ortæ," &c. Liv., iv. 8. Cf. Cic., De Leg. Agr., ii. 11; De Leg. iii. 3.

Five or six years again roll by, in which there is little that we can now remark, except the continuance and perhaps the spread of suffering amongst the poorer classes. In their behalf, apparently, a Plebeian, known only by name, Pœtelius, being two years successively elected Tribune, renewed in both his terms of office[1] the long interrupted claims for assignments from the public lands. There were few to support him in his solitary enterprise, besides the crowd of haggard faces and despairing hearts for whom he laboured; a circumstance that demonstrates, beyond a doubt, the wider separation between those who wished for power, or the rich, and those who wanted independence, or the poor,—the two divisions of a single estate, that, namely, of the Plebeians. Pœtelius was but a fool, says the historian, for his pains;[2] yet not because he failed to seek the advantage of the higher as well as the lower Plebeians. In asking land and bread for the latter, he also urged the claims of the former on the consular tribunate, an office hardly in existence, and only revived, if revived at all, for the exclusive occupancy of the Patricians.

In a state like the Roman, where there could be little employment for the freeman besides labour for himself on his own ground, or for the Commonwealth on her battle-fields, the loss of land or of the most moderate fortune involved either degradation or starvation,—it might be both. Mere mechanical occupations were in too small demand, and in much

[1] A. C. 442—441. Liv., iv. 12.

[2] "Ludibrioque erant minæ tribuni," &c. Liv., iv. 12.

too mean repute, to be often sought, or often worth the seeking; and as there were scarcely any wages in money to be got from toils in another man's shop or upon another's farm, the houseless were, literally and entirely, the destitute. It happened, shortly after the exertions of Pœtelius, that a famine occurred to destroy many and to impoverish more amongst the people. A Patrician, Lucius Minucius, was appointed Prefect of the markets, in order, as was promised, to hasten the supplies of grain and food. If he did his best to fulfil the charge he had received, he nevertheless failed to relieve the wants becoming every day more fatal. While prices were still beyond all precedent, and yet not high enough to command the grain, of which there was actually no public provision in the city, a wealthy Plebeian Knight, named Spurius Mælius, threw open the abundant stores he had managed to collect through some peculiar facilities he seems to have possessed. If the common reports concerning Mælius be trusted, it appears that his bounties, however extraordinary, were very far from being disinterested. He was charged, as we shall immediately learn, with criminal or treasonable designs, which it is by no means necessary to believe; but that he was seeking for some higher position than he had, rather, however, by elevating his order than by raising himself alone, is testified by every point preserved of his brief career.

Mælius was one of those who hungered after authority as keenly as the needy whom he supplied were hungering after food. On their part, they

repaid him with the grateful, though it might also have been the riotous, support which the liberality of a rich man is apt to obtain among any people equally miserable. He shewed, apparently at once, that he was aspiring to be Consular Tribune, or, it may be, Consul for the ensuing year; but the elections were too close at hand to allow the instant ripening of his plans. On the contrary, instead of being elected to any honours, he was charged by the Prefect Minucius, before the Senate, with having conspired, together with his dependants, to become king; and when the Senators expressed their surprise at his having been allowed to pursue a course so suspected, one of the Consuls, the same Quinctius Capitolinus who had long before commended himself by his good-will towards the Plebeians, appears to have replied, that a Dictator had better be nominated to relieve the wants of the people and oppose the designs of Mælius, if it were necessary, by measures from which there could be no appeal.

The story of Mælius would be more intelligible, undoubtedly, if Quinctius had consented, as he was solicited, to accept the dictatorship; for the proceedings against the Plebeian would then have been managed with some respect to justice. But instead of Quinctius, the appointment was given to Cincinnatus, as one whose long tried hatred to the lower estate most suited the present purpose of the violent Patricians to bring Mælius to speedy punishment. With all his passion, the old man hesitated[1] to under-

[1] Liv., iv. 13.

take the death of a fellow-citizen against whom there was no other proof than the accusation of Minucius, most uncertainly sustained by some appearances of ambition. But the doubts of Cincinnatus were such as he would scarcely have admitted into his mind, a few years earlier, and they were now soon overborne. He named Servilius Ahala to the mastership of the Knights, and ordered the Capitol and the fortresses of the city to be occupied by the Patricians and their retainers under arms.[1]

As soon as the Dictator could proceed, on the following morning, to the Forum, his master, Servilius Ahala, called Mælius forth to answer to the charge of treason. None present could have believed, however much surprised some may have been, that the Plebeian was guilty of any other crime than having sought to profit by the necessities of the poor in accomplishing the designs in which he was probably but the imitator of Canuleius or others like him. But on the one side stood the Patricians, that is, assuredly, the violent amongst them, determined, now that they had a Dictator of the same mind, to make an example of the ambitious Plebeian; while on the other were collected a multitude, in part too indifferent and in part too bewildered to give their aid to the man by whom none of their number, at least, had been directly or indirectly wronged. On being seized by one of the master's attendants, Mælius cried out to be defended; but Servilius Ahala, hot-blooded and

[1] The occupation, which was most probably ordered by the Dictator, is told by Zonaras, VII. 20.

impatient, dashed, with a band of armed companions, into the very centre of the crowd, and slew his victim in their sight, as in that of the Dictator. Cincinnatus gave praise to Ahala for having saved the Commonwealth; and, addressing the people, ordered them to be grateful that they had not lost their liberties, as, he said, "for a few pounds of meal."[1] The house of the murdered man was demolished, and his property confiscated to the public treasury, except his stores of corn, which were given out at a nominal price to the multitude. Minucius, the Prefect, in whose name the grain was distributed, gained so much popularity as to be regarded like an eleventh Tribune, according to the historian;[2] but Servilius Ahala, brought to trial, three years afterwards, by one of the Tribunes,[3] a namesake of the murdered Mælius, was forced to go into exile. If it had been proved that men like Mælius could not succeed in uniting their cause with that of the necessitous, the separation between the poor and the ambitious Plebeians would have seemed doomed to go unrepaired.

The characteristics of the preceding are those also of the following events, through which we read, though still uncertainly, of vigour followed by inertness, and inertness turned again to vigour, amongst the factions of the Commonwealth. The inactivity

[1] Liv., iv. 15.

[2] This can be all that is meant by the tradition to which Livy refers, iv. 16. Minucius received other marks of favour, and finally became a Plebeian. Ibid.

[3] Spurius Mælius, Tribune in A. c. 436. Liv., iv. 21. The exile is mentioned in Val. Max., v. 3. 2.

of the Plebeians, more striking than any degree of energy on their part, would appear, continued for years after the murder of Mælius. Of the multiplied efforts and hopes which had filled their early days and their fathers' lives, but one apparently remained. Instead of renewing the contest, as an estate, with that which still continued to be superior, the Plebeians seem to have been absorbed, if not contented, in maintaining the ground they had gained; and that, too, without attempting the fortifications, so to speak, which its defence required. The old historian is constantly repeating the same story of demands on the part of the Plebeians that Consular Tribunes should be elected for the year, in place of Consuls; but even when their point was so far gained, the conclusion of the narrative never fails to record the election of Patricians alone.[1] In this manner, the lower estate was not only prevented from bolder aspirations, but was even humiliated by continual disappointment in relation to the privileges it had previously obtained. This was the effect of its own dissensions.

The great defect in the Roman institutions was perceived, as far back as in the time of their formation, to be the exaggerated authority with which every principal magistrate was endowed. It resulted,

[1] As, for instance, in the sixth year (A. C. 433) after the assassination of Mælius: "Tribuni plebis, assiduis concionibus prohibendo consularia comitia, quum res prope ad interregnum perducta esset, evicere tandem, ut tribuni militum consulari potestate crearentur: victoriæ præmium, quod petebatur, ut plebeius crearetur, nullum fuit: omnes patricii creati sunt." Liv., IV. 25.

like many other faults less frequently observed, from the division of the early Commonwealth between the two great classes of its citizens; in consequence of which, the Consul, on the one hand, considered himself as belonging to the Patricians, and the Tribune, on the other, felt himself bound to the Plebeians, rather than to all his fellow-citizens. Either would, therefore, push his powers to their extreme limit, believing the interests of his order to be his first duty, and, further, that these depended more upon his boldness than his moderation. It is only at rare intervals that any proof is given of greater wisdom, on either side; such men as Valerius Publicola and Marcus Duilius being few and far between in Roman history. Another of the same stamp appears just now, in the person of Mamercus Æmilius, a Patrician of the highest birth and reputation, who was appointed Dictator, for the second time, about five years after the death of Mælius.[1] Desirous, as the historian remarks, of doing something in peace to distinguish his dictatorship,[2] Æmilius carried a law through the Centuries and the upper assemblies, to reduce the term of the censorship from five years to eighteen months; as if the office, though only nine years old, were already become dangerous to the personal liberties of the citizens. That it might so speedily increase in authority will be evident, on recollection that the control of the Census was actually the

[1] A. C. 434. Liv., iv. 17, 23.

[2] "In pace aliquid operis edere, quod monimentum esset dictaturæ, cupiens," &c. Liv., iv. 24.

control of taxation and of rank; each man, or rather each class, being held by the Censors to a different rate of contribution and a different position amongst the Centuries. The Censors in office at the time when Æmilius proposed his law, shewed what their powers were, by removing him, as soon as he resigned his dictatorship, from his Tribe, and imposing an enormous sum upon him as an Ærarian, that is, as one of the class received, as a body, into the assembly of the Tribes, without being admitted to any Tribe of the one-and-twenty, in particular. So extravagant an abuse of authority could not fail to provoke redress, as well from the Plebeians as from the Patricians, to whom Æmilius belonged. The mark of the Censors, as a sentence of the sort was styled, could be effaced, as soon as the term of those who made it expired; and Æmilius was not only relieved of his pecuniary burdens and restored to his former honours, but was afterwards elevated to the dictatorship,[1] in which he had proved his wisdom and his forbearance.

None of the Plebeians were nearly so prominent during these comparatively quiet years. Whether it were from depression of spirit or of influence, their ability to carry forward the great work committed in part to them was often a power like that of the citizens in the play, that they had no power to do.[2] Sometimes, however, the leaves were stirred, and the shoots encouraged, as by a more cheerful breeze. A law, for instance, was

[1] Liv., iv. 31.

[2] Coriolanus, act ii. sc. 3.

put forward by the Tribunes of the second year after the deposition of Æmilius, to prohibit the candidate from wearing a whiter robe than usual; of which the intention is expressly stated to have been the counteraction of the ambition or the intrigue of the Patricians.[1] A year later, the Tribunes, being called upon by the Senate to oblige the Consuls to appoint a Dictator, were able, for once, at least, to play the part of superior magistrates, and to declare it fit for the Consuls, as their inferiors, to obey the Senate.[2] But again the frost set in. The Tribunes quarrelled with one another, and the interference of one or two amongst them was sufficient to hinder the projects of the rest;[3] while some or all complained of the pusillanimity of their constituents, and the sinking condition of their common liberties.[4] The troubles amongst the Plebeians extended even to the lower classes; and the rumours of a conspiracy amongst the slaves[5] sound as if hardship and violence were even more general than they had been. Meanwhile the old struggles for the public lands revived; but to these, as to the various trials in which the judicial powers of the people were often exercised and sometimes strained, it seems unnecessary to pay any particular attention. Most of the actors in these changing

[1] "Tollendæ ambitionis causa." Liv., IV. 25.

[2] Liv., IV. 26.

[3] Compare Liv., IV. 42, 48, 53, &c., with V. 25, 29, &c., and note the mention in Zonaras (VII. 15) of the decline of the tribunate.

[4] See, especially, Liv., IV. 25, 35, 44.

[5] Liv., IV. 45. Dion. Hal., XII. 6.

scenes are too far removed for us to hear their voices, or learn with any advantage the characters and the principles they sustain.

Of one or two only can we get a little clearer view. Publius Postumius, for example, is seen to be an ill-minded Patrician, who, being in command of an army, as Consular Tribune, obtained some easy victories over the Æquian forces, whose spoils, though promised, he afterwards refused to his men. While his campaign continued, it was proposed in Rome to settle the soldiers in the town and territory their arms had won; at which, Postumius, being called, it is said, to the city, to conduct the opposition excited by the project, came back in haste, and declared in open assembly of the Tribes, that he would scourge his men like slaves, if any of them dared to stir in favour of the scheme. The Consular Tribune had gone too far. Blamed by Patricians, and stung by the reproaches of the Plebeian Tribunes, he returned to his camp, where his words had already raised a mutiny, in endeavouring to quiet which, he was stoned and slain. His murderers were brought to trial, and some of them punished; but though sentence was pronounced upon a few only, the people murmured that the laws against them were swifter of execution than the laws for them.[1]

Among all the advocates of an Agrarian law during these passing years, none seems to have been more active than Marcus Mænius, in his tribuneship,

[1] Liv., iv. 49—51. This was in A. C. 413, 412. The name of Publius is from the Fasti.

four years after the murder of Postumius. He stood alone in behalf of the poorer plebeians, resisting, in spite of nine colleagues against him, the consular levy, and determined to resist it, until, as he said, the unjust occupants of the public lands should surrender them. His exertions, of course, were fruitless; yet he acquired so much popularity by them for himself, that he appears to have been tempted to seek the consular tribuneship for the following year.[1] The Patricians were sufficiently alarmed by his pretensions to contrive that the elections should be held for Consuls, who could be chosen only from themselves. However Mænius bore his disappointment, the Plebeians were mortified, even to resentment, at being again outwitted.[2] More than thirty years had gone by since the first Consular Tribunes were chosen, and not one of the number, beginning or succeeding, had yet been a Plebeian.

The first amends to the neglected or impracticable privileges of the Plebeians came through the medium of another magistracy. This was the quæstorship, to one part of which allusion has been made in mentioning the Quæstors of Parricide; the other part, so to speak, being in the hands of Quæstors of the Classes[3] or the Treasury. These latter, two in number, like the former, acted as the treasurers of the Commonwealth, under the directions of the Senate, and in the city; and, at about the present period of our history, were increased by two more, appointed to

[1] Liv., IV. 53.
[2] Ibid., IV. 54.
[3] Plut., Publ., 12. See Niebuhr's Hist., vol. II. p. 195.

serve as paymasters to the army, under the authority of the Consuls.[1] It was not from any inherent dignity in either office of the quæstorship, that the Plebeians were excited, on the occasion of increasing the number of the financial Quæstors, to demand that two of the four should be elected from their estate; nor was it for the same reason that the Patricians were both anxious and able to change the form of the Plebeian claim, in such a way as to make either estate eligible, which, as it left the election of Plebeians optional, rendered their elevation virtually impossible. The Quæstor, on retiring from office, was admitted to the Senate; so that the Plebeians were seeking to be Senators far more than to be Quæstors, while the Patricians were zealous to keep the Senate free from Plebeians, in carrying on the controversy which arose and temporarily terminated as has been observed. Some years, during which the four Quæstors where chosen just as the two had been, went on; but in the election following that in which the Tribune Mænius was disappointed, three Quæstors of the Treasury were elected from the Plebeians. It was opening the way to higher honours.[2]

Reactions were not yet over; but the character they assumed was of altogether a milder kind. It

[1] A. C. 446. "LXIII. anno post Tarquinios exactos, ut rem militarem comitarentur." Tac., Ann., XI. 22. "Ut, præter duos urbanos quæstores, duo consulibus ad ministeria belli præsto essent." Liv., IV. 43. Livy's date, however, is twenty-five years later.

[2] A. C. 408. "Patefactus ad consulatum ac triumphos locus novis hominibus videbatur." See the whole account in Liv., IV. 55. "Henceforward," says Niebuhr, somewhat prematurely, "the Roman people was victorious over the Patricians." Vol. II. p. 196.

might happen, as it did a few years subsequently, that the Patricians were able to control an election of Tribunes with sufficient influence, or even authority, to secure the choice, in part at least, of the candidates they preferred.[1] But there was no longer a lack of hearts or voices to uphold the prerogatives of the Plebeians, nor did they think any one they had more precious than the nomination of their own good magistrates. "Is the matter come to such a pass," cried Trebonius, a Tribune, and the namesake of him whose law provided the security of the tribunitian elections, "to such a pass that our Tribunes are to be Patricians or Patricians' slaves?"[2] And the answer was returned from the people, spite of every effort, even among the Tribunes, to close their mouths, when, at the end of the year, four of six Consular Tribunes were elected from the Plebeians.[3] It was thus, at last, that the promises which Publilius and Canuleius had set before their order were beginning to be fulfilled, near a century from the time of the secession to the Sacred Hill.

[1] Liv., v. 10.
[2] Ibid., v., 11. Note 1, p. 457.
[3] A. C. 399. Liv., v. 12. For the fact that four were Plebeians, see Arnold's Hist., ch. xix. note 9.

CHAPTER V.

WARS AND DOMESTIC INTERESTS.

"From a variety of concurring accounts, it appears to me that the political concerns of this country are, in a manner, suspended by a single thread."—WASHINGTON *to Patrick Henry*, 24th Sept., 1787.

WE have already heard too much of enlistments and campaigns to imagine we are reading the history of a nation whose labours were confined, at any time, to its own separate progress or decline. Yet it is not now that we can properly begin to measure the extended work assigned to Rome amongst the people of antiquity. We shall do all we can at present do, by pausing here to look beyond the Senate, or the Forum, or the Field of Mars, to the places upon which the early battles were fought, and to the nations against whom the Romans were year by year arrayed. A bird's-eye view will be sufficient; and we can then turn back to search the influences of warfare upon the character and the prospects of liberty in Rome. The connection between the two will be found to be more intimate than is generally allowed.

A few circumstances, like those of position some time since noticed, being excepted, there seems, at first sight, to have been no earthly reason to account

for the fondness of the Romans for martial enterprise. Other people besides themselves, about their plain and hills, were rude and vigorous, patriotic as well as savage warriors, in whom the love of home and that of spoils were equally keen. Mere position, even, will not wholly account for the fact, that the Romans, if not continually, at any rate eventually, came off victorious; their neighbours breathed the same air, saw the same mountains and the same sea, and even had their cities and their strongholds upon hills, like, and yet unlike, to the seven by the Tiber. The composition of the Roman nation is a better ground of explanation or anticipation respecting their conquests; inasmuch as the mingling of different blood and the fusion of various tactics into a single system would have inevitably improved the discipline and augmented the strength of any army or any people. It is uncertain, however, how far we can rely upon the junction of races in the Roman, to account directly for the success and the devastation wrought upon the earth by this the latest and the fiercest nation of ancient times; but it is, at least, a point to be trusted, that the union apparent in the origin has had its consequences in the continuation of our history, and that the consequences, becoming causes, made Rome the mistress of her neighbourhood, her peninsula, and, finally, her world.

It has been hitherto incumbent upon us to lay greater stress upon the separations than upon the attractions, so to speak, among the citizens of Rome. Yet the unity of the Commonwealth, especially in

its earlier centuries, was, so far as it existed, much more remarkable than its more evident dissensions. Every people but one in antiquity was divided against itself by the laws upon which it was founded, and more particularly still by the customs or the doctrines through which it was formed. The fabric, when reared, might stand by itself, built of its own materials, and remote from other monuments of the dead or the living upon the earth; but its want of symmetry was generally the more deplorable. If castes were avoided as the divisions of a nation, the high-born were still of one mould and the low-born of another; rich and poor, free and slaves, warriors and drudges, were ranked in the manner and the proportions denoted by their names. Some of these were irretrievably unfortunate, without a hope of rising to a better place than that in which they were created or to which they were reduced; while others, higher in the scale, were often raised by their own demands or by the natural concessions of their superiors, especially as these latter were everywhere diminished in numbers and weakened in strength, if not in pride. Of this progress the previous pages will have furnished several examples, but none so remarkable as that which has taken place in Rome. At the period where we for the present stand, there are virtually three classes of free citizens in the Commonwealth: one of Patricians, another of the independent, and a third of the indigent Plebeians. If the reader will remember the numerous instances in which, notwithstand-

ing divisions and subdivisions of interests, these various classes have been united through individual members of each, in advocacy or pursuit of the same objects, he will understand the unity, as it may be called, of Rome. It was this unity, or the confidence and the patriotism which, in spite of its imperfections, it supplied, that armed the Romans for the battle and set up their trophies in field after field, until it totally disappeared. In these characteristics, therefore, we may trace the aptitude of the people for warfare, as the result of their early liberty.

Warfare was, nevertheless, the general occupation of the times over which we have passed; and the Romans would naturally have their part, offensive or defensive, in the conflicts round them. A field of grain or a town near the frontier would be a sufficient motive to the early forays, which expanded by gradual and easily conceivable degrees into the campaigns and deeper purposes of subsequent wars. Of the various nations nearest Rome, the Latins and the Hernicans appear to have been the only allies, according to the treaties of Spurius Cassius. On the east, the Sabines were so completely defeated by Horatius, the Consul at the time of the Decemvirs' fall, that they were glad to keep on terms of peace for many a succeeding year. The Æquians and the Volscians, towards the south, were more persevering in their hostilities; and the contest between them and the Romans, after long fury and variable fortune on either side, was still undecided at the period of our present observations. On the north, also, the

Etruscans were continually in arms, and often to the disadvantage of the enemies they had once, under Porsena, actually vanquished; but the great conquests of the century after the secession were on the Etruscan side. Fidenæ fell; the great city of Veii yielded after a siege of over nine years; and the Roman outposts were pushed near the Ciminian hills, thirty or forty miles northwards. It was at the beginning of the contest with Veii that the troops of the Commonwealth were first regularly paid,[1] and soon after that the first winter quarters were taken at a distance from home:[2] both measures to determine the military career of the nation. The decision upon war at any time was a national procedure, in which every citizen had an interest, and over which he had the control of his vote in the Centuries[3] or the Tribes.[4]

The people whom the Romans conquered under the kings became Plebeians, as has been told, or else were left, in a state of dependence, upon a part of their ancient territory. Others, less entirely subdued, were, of course, allowed to remain in comparative independence,—generally, indeed, dignified by the name of alliance, which, properly speaking, belonged to a third class of neighbours, who had not yet thought of yielding to the formidable nation in their centre. The accessions to the lower estate under the Commonwealth must be noted as they

[1] Liv., iv. 59, 60. For its amount, see Niebuhr's History, vol. ii. p. 200.

[2] Ibid., v. 2.

[3] Liv., iv. 30. It had before this been in the cognizance of the Senate.

[4] Ibid., vi. 21.

actually occurred; and any instances in which the treatment of the allied or the conquered appears to throw light upon the temper or the strength of the victors must be from time to time observed. Of these, there are one or two immediately at hand.

The first incident noticeable in regard to the relations of the Commonwealth with other states occurred about the time when Canuleius was in the tribunate. A long dispute, in which blood had often flowed, between the inhabitants of Aricia and those of Ardea, two of the thirty allied Latin towns, was referred to the decision of the Roman people, who met together in their Tribes to hear the cause on either side. It concerned a piece of land in the vicinity of both the towns, and upon which the claims of both were urged with proofs and testimonies before the Tribes. Just as the votes were to be taken, an old Plebeian, named Publius Scaptius, rose in his place and craved a hearing, which he obtained through the interposition of the Tribunes against the refusal of the Consuls. He was four-and-eighty years of age, he said,—too old to serve his country in any other way than with his tongue. With his memory, he might have added; for he proceeded, before the gaping people, to relate an early campaign against Corioli, to which the very land now in question then belonged, and of which the conquest, of course, involved the possession of all its territory. It is said that the efforts of the principal citizens were ineffectual to dissuade the Tribes from voting that the land was in the right neither of Aricia nor of

Ardea, but in that of Rome.[1] Ardea threw off the Roman alliance, and sent, at once, to protest against the unjust judgment of the assembly;[2] but the breach was healed without immediate redress, which was made, eventually, only by sending a colony to the territory, and enrolling the citizens of Ardea as a large proportion of the colonists.[3] Such was the injustice, and such the reparation, to be expected from any stronger nation.

Another account is preserved, which illustrates with equal distinctness both the irascibility and the magnanimity of the Romans. Ten or twenty years after the present epoch of our history, it chanced, that amongst the captives in a battle with the Volscians, there were found some troops from Tusculum, who justified themselves, on being discovered, by declaring they had been sent by their government to aid the enemies of Rome. Tusculum had long been the most faithful and the most serviceable of all the Latin allies; but in the estimation of the Romans, a single fault was always sufficient to obliterate the memories by which they did not like to be bound to gratitude. Without taking the pains to ascertain the truth or the falsehood of a confession extorted from a few terrified prisoners, an army was sent out instantly to punish the city, which it thus hastily pleased the Senate to consider faithless. The famous Camillus, of whom we shall presently have to read more carefully, was put at the head of the expedition.

[1] Liv., III. 71, 72.
[2] Ibid., IV. 7.
[3] Ibid., IV. 11.

As he marched beyond the plain and up the hill, the labourers were seen in the fields; the gates of the city stood open, and the very houses within were all unbarred. Instead of defending themselves by battery or spear, the Tusculans had resolved to keep at their usual occupations, and let the unworthy fury of their foes die out for want of resistance. Camillus, the hero whom no arms would have repelled, if the half reported of him be true, was overcome by the patience[1] of the people he was sent to vanquish and bring to cruel punishment; and when the Tusculans, perhaps at his suggestion, despatched an embassy to Rome, the Senate granted the peace so well deserved, and soon after admitted the whole people to the citizenship of Rome.[2] The story of the campaign and of its conclusion embraces at once the dark and the bright points in the foreign history, if so it may be called, of Roman liberty.

Several opportunities of observing the effect of new conquests upon the necessities or the passions of the different classes in Rome amongst themselves have some time ago occurred. When Veii yielded to the forces raised at great hazard and with greater difficulty by the Romans, a large number of the victors, struggling with poverty and humiliation at home, demanded the privilege of removing, as many of them as pleased, to the captured city, in which they also claimed their share of lands and

[1] "Victus patientia." Liv., vi. 26. See Plut., Cam., 38.

[2] Liv., vi. 26. The rights were probably incomplete, though it has been argued, on the other hand, that they were full and entire. This they became afterwards.

dwellings.[1] It was only a new form of carrying an Agrarian law; and the Patricians, into whose hands Veii fell, with all its riches, according to their ancient system of appropriating conquests to themselves, now contrived to give a new form to their opposition, by representing the project of the removal as that of desertion from Rome. Some of the Tribunes put their veto upon the measure, as if convinced of its nefarious design; but others were more consistent to the office they held, and maintained the demand of their needier brethren for two good years, at the end of which time the opposing Tribunes, failing in a second, though they had obtained a first, reelection, were brought to trial, and heavily fined.[2] Yet if the narrative, thus far, be one to illustrate the bitterness of the dissensions which still existed in the Commonwealth, its conclusion is a striking example of the unity that, weak as it often was, did sometimes rise superior to any tendencies to separation. The Tribes, though they condemned the Tribunes, rejected the bill which the Tribunes had opposed; whereupon the Senate, as of its own accord, decreed that seven jugers — in our measure about four acres — of the territory of Veii should be assigned, not only to each father of a family, but to every free adult or infant of the Commonwealth.[3]

A much more perfect unity than that which thus

[1] Liv., v. 24—26, 29.

[2] "Quod, gratificantes patribus, rogationi tribunitiæ intercessissent." Liv., v. 29.

[3] This was in A. c. 392. Liv., v. 30. Diod. Sic. (where the quantity assigned is different), XIV. 102.

occasionally shewed itself amongst the Romans would have been endangered by the wars and conquests of the period we have now entered. The liberty that gave birth to confidence between one class and another led them, as it would lead on any nation, to victories in arms; but the way of warfare is for ever the same, most fatal at last to those who have advanced the farthest amongst its thorns and crags and sanguined streams. The conquests and the triumphs of the Commonwealth reacted upon the freedom from which they were derived, in modes we shall observe as we read on. But from the first moment of their extension, though we have scarcely yet reached this point ourselves, it will be seen that there were many changes to destroy the union of the Roman people.[1] The earliest of these was the impoverishment of the poor; almost simultaneous was the elevation of the richer men of the lower estate: but more important still was the introduction of new inferior classes in the persons of the conquered, who, whether enrolled in the Tribes, as at first, or held in bondage, as at first and at last likewise, were equally a mass to whom liberty, in the one case, was denied, and in the other, only nominally conceded. Even though the newly admitted citizens became, in time, an integral portion of the nation, yet the numbers of the freshly subdued were continually replenished, and in one or two centuries later, the distance between

[1] "There is no sure foundation set on blood,
No certain life achieved by others' death."
KING JOHN.

the most recently conquered and their conquerors will be found so widened as to have become impassable.

In endeavouring to gain some sort of insight into the domestic character of the Romans, in order to complete this scanty sketch of their early warfare in its influence as well as its extent, we need not undertake to get behind the scenes, because we have but little to see upon the stage. The great drama of life is of an Author who allows the actors in the later parts to recall their predecessors, even when words fail and visions cease, by reading His Will as it is revealed to the simplest minds. It is beyond our power to open the door of a single dwelling in Rome, and learn, by any familiarity, the manner in which the household was affected by what happened in the Forum, or with the absent army. But this we can believe, because it coincides with the military and the political destinies appointed on high to the Romans, that the incessant battles in which they engaged, whether with a hostile nation abroad, or between hostile estates at home, would result in excitability, clamour, and crime, as well within as without the walls of every habitation. Such a scene as that in which Virginia was murdered will, if imaged vividly, shew more through common reflections than could be gained from any individual conjectures. The lust and the power of the Patrician, the easy subornation of the client, the unprotectedness of the maiden, the mute amazement of the multitude, and, above all, the dreadful expedient to which the father

thought himself compelled, are as characteristic of the private as of the public life of the Roman people.

There is little to add concerning the cultivation of the nation, even of the upper and the richer classes. The civilization of Tarquin, or the later kings in general, had not, in all likelihood, been abandoned; but there appears to have been little exercise of any other tastes than those for conflicts, or of other powers than those required by the passage of a law or the gain of a victory. The rich relied upon their landed possessions, rather than upon any trading enterprises, to keep or to increase their wealth; and the poor were either simple husbandmen or quite unoccupied, if they were free, or else, if clients and slaves, employed in the mechanical toils then universally despised. There could have been little attention to any of the higher arts, little knowledge, indeed, of their existence, until they and their teachers were found in foreign lands. Nevertheless, the conclusion is not to be made too hastily, that the Romans were without objects of serious interest and continued labour. The richest men toiled on their own fields, and were glad to count their harvests when they were weary of trophies and campaigns. The poorest were daily anxious to earn their bread and fill their children's mouths; a matter, indeed, of no common concern, where honourable occupations were few in number, and even those were often ended by death in battle, or the more cruel fate of bondage. In public, the victory gained, the conflict lost, the trial

approaching, or the law proposed, were subjects to keep men busy, without much thought of higher desires or nobler liberties. It was thus that war excluded better things, and filled their places, directly or indirectly, with its dangerous toils.[1]

[1] "It may be said," says Dr. Channing, and the remark will be found continually applicable to Rome, "that society, through its whole extent, is deformed by war." Discourse on War, Works, vol. iv. p. 237.

CHAPTER VI.

CAMILLUS AND MANLIUS.

"Heu quantum inter se bellum!"—VIRGIL, *Æn.* VI. 829.

THE old biographer, to whose fondness for a good story and a brave example we largely owe our knowledge of many men in ancient Rome, once interrupted himself with the reflection, that he was telling things "much like poets' tales."[1] But his consolation soon came with the thought, that it was "as dangerous to discredit as to credit such matters too heartily."[2] His judgment is worthy our attention, as we begin upon the lives of Camillus and Manlius, in times uncertain as almost any we have heretofore passed, in order to carry on under their names our account of the liberty of Rome, so far as it was contemporary with them.

Marcus Furius Camillus, the elder of the two, was earliest in renown. Of lofty birth and commanding temper, he rose through "other honours," as Plutarch calls them, to the censorship;[3] next, and

[1] Plut., Cam., 5.

[2] Ibid., 6.

[3] A. C. 402. Plut., Cam., 2; where his doings in the office are described, especially his compelling unmarried men, "partly by persuasion and partly by threat," to espouse the widows of those who had recently fallen in conflict. This does not sound like domestic liberty. See Val. Max., II. 9. 1.

twice, to the consular tribunate; being, a little later, appointed Dictator to conduct the armies against Veii, of whose conquest he obtained the glory. Up to this time, apparently, Camillus had possessed the favour and the admiration of all classes, alike impressed with his heroism and dazzling exploits; but it seems, from the uncertain traditions of his life, that the moment of peace was like the thaw of the wintry fame he had won in war. The people thought his demeanour conceited and ambitious; the poor considered his opposition to their claims for land at Veii unkind; the men who had served under him were indignant at being obliged to restore a part of their spoils, because he pleaded a vow of dedicating a tithe of the plunder to the gods: and as one complaint in similar circumstances leads to another, the popularity of Camillus once touched would be soon dissolved. He became the champion of the severer Patricians, as stern as any amongst them to govern the Plebeians; and when, some few years subsequently,[1] he was accused by a Tribune of having secreted the spoils of Falerii, a city he had subdued, he did not stay to meet his trial, but, conscious of the bitterness aroused against him, he went into exile at Ardea. The Tribes confirmed his banishment, and added a heavy fine.

Marcus Manlius Capitolinus, a soldier and even a hero[2] from his youth, was one of the Consuls

[1] A. C. 390. Liv., v. 32. Plut., Cam. 11, 12.

[2] Pliny enumerates the rewards of his gallantry. Nat. Hist., vii. 29, sect. 3.

in the year preceding Camillus's exile. Of illustrious descent, he was also strikingly gifted with personal beauty, and with the mental excellences, described by an old historian as "eloquence, dignity, intrepidity, and confidence,"[1] that were consistent with his times. Some strong reasons exist for supposing him to have been a personal, or at any rate a political, opponent of Camillus, at the period of whose fall, whether this supposition be true or doubtful, Manlius, though still young, was the most rising man of his order and his nation.

If it were true, as was reported, that Camillus, departing through the gates of Rome, turned back towards the Capitol, and prayed that the people might be brought to feel their need of him whom they had banished, he must have soon believed that the gods accepted and answered his desires. The very next year,[2] a host of Gauls, as they were called, at all events, of rude and mighty barbarians, came down from the North, and, being provoked by the appearance of some ambassadors from Rome in a battle they were fighting with the Etruscans, pressed on to crush the Roman forces by the river Allia, and to destroy the city itself in blood and flames. It seems, as we read the breathless tidings of disaster and ruin, as if the end of Rome were not only prefigured, but arrived.

[1] "Eloquentia, dignitate, acrimonia, confidentia pariter præcellebat." Q. Claudius, ap. Aul. Gell., xvii. 2.

[2] A. C. 389. Dates are just here more than usually uncertain. See the narrative in Livy, v. 37—41: it cannot be better told.

It was more, however, than a single torrent of barbarians could do, to sweep aside the stream for which half the earth was destined to be the channel. While most men fled, with wives and children, and all they could hope to save, some to Veii, and some to any and every place of refuge, a few,[1] of stouter hearts, remained, determined to protect the Capitol. These were chiefly the more eminent of the younger citizens or magistrates; and at their head, the first to advise the defence of the citadel and its holy temple, though all things else were lost, was Marcus Manlius, whose family name of Capitolinus appeared to be his natural inspiration to courage in such a cause.[2]

Not many days, or even hours, after the occupation of the Capitol, its defenders were surprised by the sudden appearance of Pontius Cominius, a young Plebeian, who came, through perils and in the face of death, to tell them that Camillus, supported by the people of Ardea, having gained some advantages over the Gauls, had been called, by his countrymen at Veii, to take the command of their forces, and was only waiting the consent of such of the magistrates as had survived the recent slaughter, to put himself at the head of those who wished him for their leader. If the band then gathered in the Capitol were, as is very likely, among the adversaries of Camillus, the message sent at his request was perhaps

[1] Florus (I. 13) says a thousand; Zonaras (VII. 23) includes their families.

[2] "Capta urbe, auctor in Capitolium confugiendi fuit." De Vir. Ill., cap. XXIV. Cf. Æn., VIII. 652.

intended as a bitter taunt; but, on the contrary, he may have thought that his friends outnumbered his foes, or that he would, at all events, consult the only guardians of the laws, to which he meant to prove his fidelity as no Roman had ever done before. He was instantly chosen Dictator,—whether by thankful partisans or humbled opponents, is little to the purpose; and the brave Cominius bore back a proclamation from the scanty Senate, appointing Camillus to absolute authority over all who still confessed the name of Rome. The tradition of his successes is so evidently exaggerated, that it is safe to read only of his having taken advantage of the reverses of the Gauls among the nations of the southern neighbourhood, and joined his forces to theirs in repelling the barbarians, whose garrison, left in charge of Rome, was compelled to save itself from his hands by surrender of its plunder.[1]

Meanwhile, the Capitol had been assailed by night, and nearly lost. Its safety and the repulse of the barbarians were ascribed entirely to Manlius, more wakeful than the rest, and to him each one of his companions brought something from his stores, in order to give him the only reward they then had at command. Six months had elapsed since their occupation of the citadel, when the force besieging them was driven from the ruins of the city, and Camillus returned to liberate his countrymen, wellnigh

[1] This account is, in some respects, conjectural. Polybius (II. 18) says nothing of Camillus in accounting for the retreat of the Gauls, which he imputes to an invasion of their own territories in the North.

destroyed, as Plutarch says, by famine.[1] The meeting can be easily conceived; and though the scene of ruin was dismal to behold throughout the city, the Capitol, at least, was unpolluted, the laws were unbroken, and Rome was again in the possession of her own Romans. Camillus and Manlius, however hostile in former days, now greeted one another as the preservers of their country; and all who pressed around to thank them could have no fears in presence of the hopes the two inspired. The priests hastened to produce the holy relics they had rescued from destruction, and in the midst of sacrifices and vows to the gods, the people were united, and old troubles, for that day, were forgotten.

Yet with new troubles, arising from losses and sorrows that no day of triumph could repair, there was sure to be a speedy revival of the old. Lands were wasted; homes were ruined; friends were gone, slain or overwhelmed by their calamities. The feeble were hopeless of recovering strength; the brave were dispirited by the very exigency of the demands upon their courage; and it is recorded as an evidence of the universal depression, that, on the approach of some enemies in arms, the people fled from them as they had fled the Gauls.[2] It is equally significant of the change that had befallen their minds as well as their bodies and estates, that nearly the entire people united in the old proposal of removing to Veii. The love of country seemed extinct; but

[1] Plut., Cam., 30.

[2] Commemorated, afterwards, as the Populifugia. See Niebuhr's Hist., vol. II. note 1258, and text.

Camillus stood forth to prevent a greater ruin than that which had been wrought on walls and columns by the barbarians; and through his appeal, as an ancient author remarks, the city and the citizens were reconciled.[1] They who had already emigrated were recalled; the poor were assisted in the work of rebuilding; the rich were in earnest to do their part; and within a year, as the historian says, a new city was standing,[2] safe from the attacks of foes[3] and from the doubts of its own inhabitants. The admission of four new Tribes within four years[4] from the inroad of the Gauls proves the restoration of general tranquillity.

The foregoing narrative may be taken in test of the liberty in the early Commonwealth at its time of greatest trial. The spirit of those who, after defending the Capitol or delivering the wasted country, returned to build up their fallen homes and obey their uninjured laws, was the spirit of a free people, the weakness of whose liberty, however, must still be confessed to have been proved by the shocks soon succeeding to the spontaneous resolution which brought them back and gave them the hope of regeneration. It seems unfortunate that the test can-

[1] "Sic et oppidum civibus et cives oppido reddidit." De Vir. Ill., cap. XXIV.

[2] Liv., VI. 4.

[3] Two agreeable incidents deserve to be mentioned in this connection. The people of Massilia (Marseilles), who had sent offers, at least, of aid to the Romans, were requited with citizenship and other honours. Justin., XVIII. 5. And in the same spirit the grant of citizenship was made to the inhabitants of Cære for having given refuge to the fugitive priests and Vestal virgins from Rome. Liv., V. 50.

[4] A. C. 385. Liv., VI. 5.

not be more thoroughly applied, by means of other memorials than those we have concerning the hearts as well as the outward men of Rome; because they lived so much for show, that there is often danger of misapprehending the substance of their lives. Now and then, indeed, something comes floating down the stream to prove its steadiness of course. A single tradition of the present period relates, that, when the Gauls, in the moment of triumph, demanded from the Romans, who sought to regain possession of their ruined city, a ransom for it so enormous as to make them think wistfully of the treasures their temples yet contained, the matrons brought in together their jewels or their hoards to satisfy the covetous barbarians. On the retreat of the invaders, the matrons were not only publicly thanked, but honoured with the peculiar privilege, as it was then esteemed, of having a eulogy pronounced upon them at their death.[1] Tradition though it be, this of the offering and the requital, it is better than many pages concerning an assembly or a campaign, to measure that patriotism which softened the roughest trials and quickened the most exalted capacities amongst the Roman women as amongst the Roman men.

On the other hand, the disasters through which the Commonwealth had been preserved by the free spirit of its citizens reacted upon the liberty which had faced and for a moment silenced the effects of such calamities. The fall of the fired dwelling or

[1] Liv., v. 50. Diod. Sic., xiv. 116.

the broken wall was that, likewise, of some old principles, for some time tottering. The season of distress that came with the Gaulish invasion was not the most favourable to the luxuriance of the Patricianism sunned by so many summers and braced by so many winters of existence. No memories of greatness could mend the shattered image, or restore the flame to the desecrated hearth-stone; nor could any pride of blood bring plenty and order back into the midst of ruin and almost utter desolation. The work to be done required the strength to labour for one's self, or the means to pay the labour of other men; and the poor Patrician was of nearly as little consequence as the poor Plebeian. It is true that the change in individual circumstances, however sudden, might not have been wide enough to create any general revolution amongst the classes or estates at large; the more so, as the Patricians were the rich men of the city and the landholders of the country in greater numbers than the Plebeians. But it will soon be plainer that the authority in the Commonwealth is passing from the hands of the noble to those of the wealthy citizens.

At the same time that the rich were growing more powerful, the poor were becoming more miserable. All the old burdens of taxes and debts were replaced and augmented; and, as in former times, the energies of men and the cares of women were absorbed almost to the lees in the wastes which war kept open and arid. One year, the tenth from the invasion, the Tribunes appear earnest in demanding a new

Census,[1] in order both to ascertain the extent of the obligations in which the needy were involved, and to obtain some relief or equity in the apportionment of taxes, which had now long since depended upon the pleasure of the Censors. Within two years more, the Tribunes are seen to resist an enlistment, and urge, as the condition of submitting to it, that none who go to war shall be taxed or sued until the campaign is ended.[2] From the same causes the same consequences followed; the anger of the poor would be as little tempered by reason as that of the rich by benevolence; and the flame on both sides burst into faction and wrong.

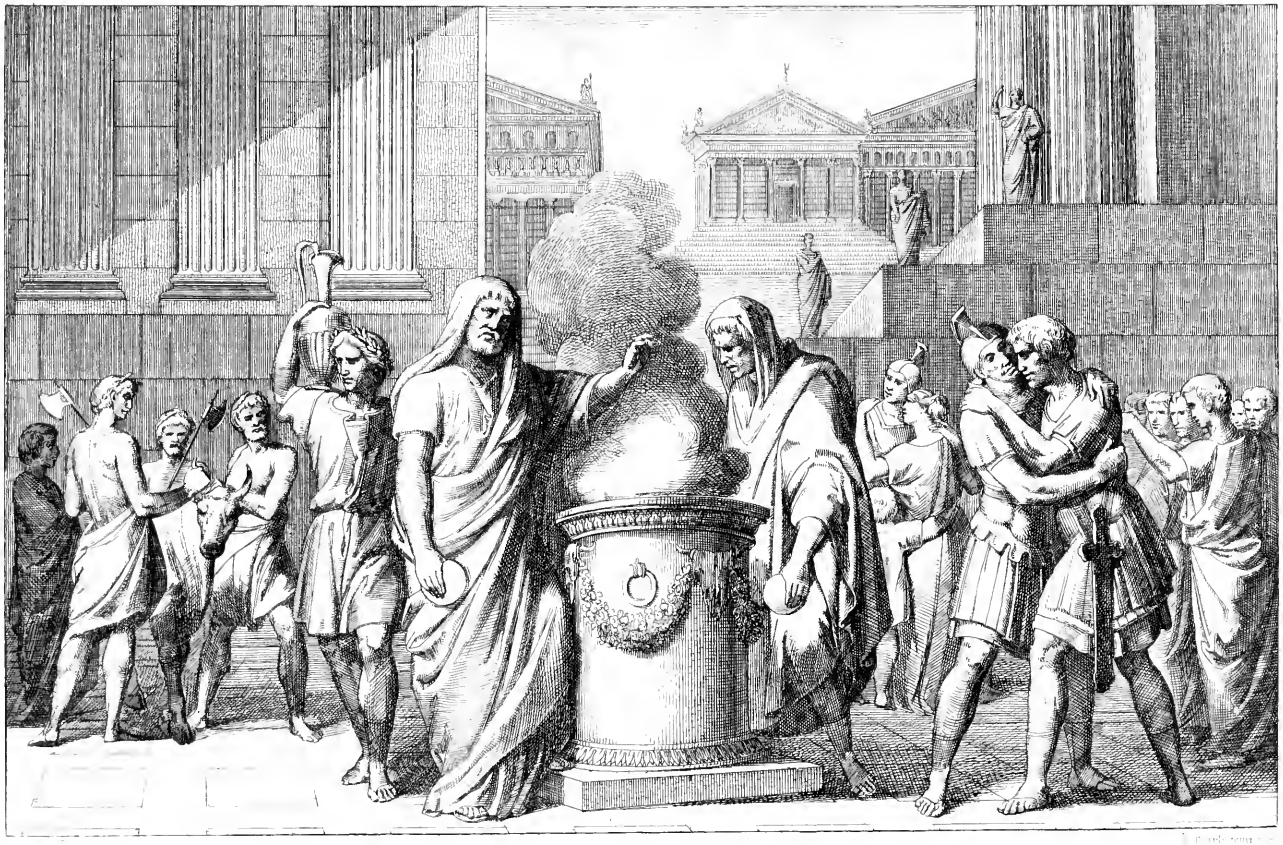
Allusion has been made to the probability that the two Patricians whose names give to our chapter its title were personally or politically opposed. When Manlius Capitolinus was in the full exercise of the consulship, two years, as has been said, before the irruption of the Gauls, he was seized, together with his colleague, by an epidemic then prevailing throughout the city. On their recovery, the Consuls were required by the Senate to abdicate, as if on account of their illness,—in any event, a pretext,—and Camillus was appointed the first Interrex to succeed them, until his term should expire or new magistrates be appointed.[3] On comparing this account with that already given concerning the exile of Camillus in the following year, it does not seem to be an irregular inference, that, of the two parties

[1] Liv., vi. 27.
[2] Ibid., vi. 31.
[3] Ibid., v. 31.

existing, as of yore, amongst the Patricians, the moderate and the extreme, Camillus belonged to one, and Manlius to the other. As for the adherents of either, or the other factions in the Commonwealth, it is nearly impossible to define them, except in the most general terms. Most of the richer or more eminent Plebeians, having now obtained admission to the Senate through the quæstorship, would side with their new associates according to their own tempers; and many as yet without the circle of the privileged assembly would follow their example. The majority of the Plebeians were unquestionably poor, and probably formed the largest, if not the bravest or the wisest, party of the citizens.

It is recorded, six years or thereabouts after the capture of Rome, that Manlius Capitolinus became, in the historian's phrase, a "popular man,"[1] that is to say, a supporter of the Plebeians, and, as appears from the subsequent narrative, of the poor Plebeians. We might as well look into the ocean to see what may be hid beneath its waves, as to try the depths of this man's heart, and be sure that we are right in our estimation of his designs. His contemporaries or his posterity accused him of vanity and treason, such as seem beneath the hero, even the heathen hero, that he had been in his more successful days; and we may perhaps discover, or think we discover, that he was unjustly charged. In the relation preserved, he is represented as having sought the co-operation of the Tribunes, and having introduced

[1] "Popularis factus." Liv., vi. 11.



some propositions of dividing lands and relieving debts amongst the poor.[1] A Dictator was then appointed in the person of Cornelius Cossus, an extreme Patrician, with the ostensible charge of repelling the united forces of several hostile nations; but no one doubted, least of all Manlius, that the power of the Dictator was to be mainly employed, as it had often been under similar circumstances at home. The moderate Patricians do not appear on either side. Manlius, however, went on from words to deeds; one day, saving a Centurion from imprisonment by paying the debts for which the man had been arrested, and then, delighted by the gratitude of the people, continuing his kind offices by parting with the bulk of his patrimony in order to relieve the miserable.

The motives of Manlius, even in respect to these acts of benevolence, were represented as vilely selfish, and even treacherous to the public interests. He was thought to be a more dangerous enemy than the combined armies in the field; and Cornelius Cossus was summoned to return against him. On being ordered to appear before the Dictator, Manlius obeyed, not only without evasion, but with some eagerness to shew that he was supported, as his enemies would say, and able to brave the highest authority of the Commonwealth; but his readiness to come forward may, with equal propriety, be interpreted as the consciousness of innocence, though not, it is probable, of any charity towards his adversaries. His fol-

[1] Appian., De Reb. Ital., IX.

lowers, of whom a goodly number attended him, to the great dissatisfaction of his opponents, do not seem to have had any instruction from him, or any intent of their own, to defend him by force; and when, on being charged with holding meetings by night, and engaging in various disorderly practices, he failed to satisfy the Dictator, he was committed to prison, without any other resistance than an appeal to the deities of the Capitol, that they would protect their soldier and defender.[1]

The greater part of the Plebeians, as the story ran, assumed the signs of mourning and even of seditious indignation. Two thousand of their number were promised lands in one of the newly conquered towns; but the boon was too small to satisfy them, whether they were traitors or friends to their fallen benefactor. Cossus retired from the dictatorship, probably on account of its term having expired; and the clamour of the people increasing on the disappearance of him and his twenty-four lictors, the Senate were obliged to release their prisoner, lest the crowds increasing round the prison night and day should effect his liberation by their own means.

Even if Manlius had been truly generous in his intentions, before the outrage he must have considered himself as having suffered in his confinement, he would nevertheless come forth from prison with more desire to humble his opponents than to benefit his inferiors or his followers. Forgiveness of injuries was not a Roman virtue, and Manlius abandoned

[1] Liv., VI. 16.

himself to the bitter hatred and vindictiveness that were accounted by most men blameworthy only when failing of being gratified. The secret meetings concerning which he had been before accused were soon renewed, with the very designs that had then been falsely urged as the reasons for his arrest and imprisonment. Yet the only treason of which he appears capable was against the authority, or, at most, the safety, of those who had proved their hostility to him by means as treasonable, if we read of them correctly, as any he now sought to use.

Not long after the liberation of Manlius, and probably before he had done much to organise his plans, defensive or aggressive, his old enemy, Camillus, was chosen, for the fifth time, to the consular tribunate.[1] The contrast between the triumph of his rival and his own shame would act like fiery poison upon a soul like that of Manlius; especially at a moment of resolution such as had now arrived. Some charge, perhaps that of aspiring after royalty, was made in relation to him before the Senate, who straightway authorised the magistrates to take any measures, legal or illegal, as they pleased, against him, as an enemy of the public safety; at which two Tribunes of the Plebeians summoned him to stand his trial before the Centuries. But when, on the day appointed, he appeared, surrounded by a throng of citizens who owed him their lives or their liberties, his wounds bared and his arms outstretched to the Capitol, there was not one of the five classes, nor

[1] A. C. 382. Liv., vi. 18.

one, perhaps, of all the Centuries, to believe Manlius guilty of treachery to his country or his countrymen. His adversaries in office, as violent against him as he could possibly have been against them, adjourned the trial to another place, from which there was no prospect towards the Capitol,[1] and assigned a day before which they would have more time for preparing their assault than Manlius for securing his defence. It is reported, and on good authority,[2] that Camillus was named Dictator to conduct the prosecution against his unfortunate antagonist, over whom he certainly triumphed; though it does not appear certain whether Manlius submitted to a second trial, or whether, resisting it, he seized the Capitol, and there perished in endeavouring to defend himself by force. He died abjured by his family and branded by his foes as if he had been an outlaw.[3]

Thus fell another martyr to the highest cause it was then possible for a Roman to espouse. Even this, though not the cause of the whole nation, much less of its perfect liberty, but simply that of justice or generosity, as it might be called, to the mass of the Plebeians, would have none but martyrs for its advocates, until there were men to support it first and themselves last, if the inducement to supporting it must still be the support they thus could give themselves. Cassius was slain for want of able, Manlius for want of willing, defenders; but Manlius, maddened by even worse contumely than befell the others, yet

[1] Plut., Cam., 36. Liv., vi. 20.
[2] Zonaras, vii. 24.
[3] Liv., vi. 20. Dion Cass., Fragm. Peiresc., xxxi.

wanting neither ready nor capable followers, was in a great degree his own destroyer. Wars followed, as if his requiem were the clash of swords or the groans of dying men; and the fearful notes were caught up within the very streets of Rome, amongst those whom pestilence smote or bondage crushed with chains. They who, meanwhile, like Camillus perhaps, rejoiced that Manlius was fallen, or the battle won, or the wretched humbled, were not the men whom God long suffers, even where He has doomed them to walk in darkness. A new leaf may be turned in our history. The contests amongst Patricians to give or to refuse the right are virtually told; and we shall begin anew to read how much the willingness of the higher classes to grant was surpassed by the energy of the lower to win the extension of liberty in Rome.

CHAPTER VII.

THE LICINIAN LAWS.

"It is vain to say that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good."—MADISON, *Federalist*, No. X.

ONE of the Tribunes, chosen, as we have formerly supposed, after the return of the Plebeians from the Sacred Hill, was a Licinius.[1] The first Consular Tribune elected from the Plebeians was another, Licinius Calvus.[2] The third great man of this distinguished family was Caius Licinius Calvus Stolo, who, in the prime of life and of popularity, was chosen among the Tribunes of the Plebeians for the fourteenth year[3] of that sorrowful season which followed the invasion of the Gauls. The ill-fated Manlius was dead seven years before; but Camillus, at the head of his extreme party, was still living in green old age. Such were the memories and such the times of Licinius Stolo; and there is little to add to these few dates and names, except that he was married to the daughter of an eminent Patrician, surrounded by devoted friends, and possessed of a very

[1] Livy makes him one of the first two. II. 33. Cf. Dion. Hal. VI. 89.

[2] Liv., V. 12.

[3] Chosen in A. C. 376 for 375, the dates, again, being altogether arbitrary.

large estate, in the year of his legislation, or, as it might be styled, his revolution. His character may be better judged as we read on.

Another Plebeian, Lucius Sextius by name, was chosen Tribune for the same year. Apparently a tried friend of Licinius, whose purposes, at all events, aroused his sympathy and strenuous cooperation, Sextius was younger[1] than his more famous colleague, but equally earnest and more sincere. Marcus Fabius Ambustus, latterly a Consular Tribune,[2] and of high descent, as his name denotes, was the father-in-law of Licinius, and his strong supporter. A tradition, of the same value as those which made Manlius and Cassius ambitious for a crown, represented the Patrician and the Plebeian as having been united in designs by a whim of the wife and daughter through whom they were connected by domestic ties;[3] but the plans of Licinius Stolo were far too widely extended and too deeply laid to have sprung from a woman's envy. Some revolutions, it is true, are the effect of an instant's passion or an hour's weakness; nor can they

[1] "Adolescens." Liv., VI. 34.

[2] Liv., VI. 22.

[3] The story ran as follows: — Stolo's wife was one of two sisters, the elder being married to a Patrician, at this time a Consular Tribune. The younger, being on a visit in her sister's house, was so startled by the unusual knocking of the lictors by whom the Tribune was attended, at the door, that the elder laughed at her fears with some scorn for her having married a Plebeian. Liv., VI. 34. It is only necessary to repeat the common remark, that this timid creature who had never heard the knocking of the lictors was the daughter of a Patrician and a Consular Tribune. Besides, the aim of Licinius Stolo was not to make himself a Consular Tribune, but to do away with the office altogether.

then conceal their origin and their progress behind promises unbelieved or achievements unprepared. But a change like that Licinius wrought with the help of his father-in-law, his colleague, and his friends, reached back one hundred years and more, on the one side, to the law for which Cassius died, and forward to the end of the Commonwealth in opening new honours as well as fresh resources to the Plebeians. We know nothing about the man before his tribuneship; yet it is almost certain that he had long been anxious, or at least considerate, in behalf of the work he wrought at last.

The two Tribunes together brought forward the three bills which yet bear the name of Licinius as their author. One, as the historian says, concerning debts, provided, that, after deducting from the principal the interest already paid, the remainder should be discharged, in equal instalments, within three years.[1] The statutes against excessive rates of interest, or in protection of the debtor before the debt fell due, having utterly failed to prevent injustice as well as continual embarrassment, it was plain to any one who thought at all upon the matter, —in which effort of thought, however, the power of all reformers begins,—that there must be some preventive to the further increase of obligations already swollen beyond all common means of payment. It might be a preventive as desirable to the credi-

[1] "C. Licinius et L. Sextius promulgavere leges, ... unam de ære alieno, ut, deducto eo de capite, quod usuris pernumeratum esset, id, quod superessit, triennio æquis portionibus persolveretur." Liv., vi. 35.

tor as to the debtor; but that would only add to its justice, without detracting from its benevolence.

The next bill of the three leaves no room for doubting the intentions of Licinius and his coadjutors to have been what Livy describes them, as contrary to the power of the Patricians as they were favourable to the comfort of the Plebeians.[1] This second bill related to the public lands, prohibiting any one from occupying more than five hundred jugers, about three hundred acres, and reclaiming all above that limit from the present occupants, in order to divide it in suitable proportions amongst the people at large.[2] Two further clauses followed, one ordering that a certain number of freemen should be employed on every estate, and another forbidding any single citizen to send out more than a hundred of the larger or five hundred of the smaller cattle to graze upon the public pastures.[3] These latter details are of consequence, not so much in relation to the bill itself, as to the simultaneous increase of wealth and slavery which they plainly signify. It is not, however, requisite to add a word in explanation of the bill, except that it was more than a fulfilment

[1] "Leges omnes adversas opes patriciorum et pro commodis plebis." Liv., VI. 35.

[2] The terms that Livy (VI. 35) rehearses are only these: — "De modo agrorum, ne quis plus quingentajugera agri possideret;" which may best be completed from Niebuhr's account, vol. III. p. 16. See, also, Varro, De Re Rustica, I. 2. As to the Agri being the public lands, there need be no doubt after the admirable articles by Prof. Long in the Classical Museum, vol. II.

[3] Appian., De Bell. Civ., I. 8. See Niebuhr again.

of the hopes which had risen and sunk, like corpses on the sea, for full a century in Rome.

Within that century, however, and especially within the last ten years, many of the richer Plebeians had obtained so wide a hold upon the public lands, from which they had at first been kept asunder, as to be threatened with loss in consequence of this second bill, devised, like the first, in favour of the lower part of the middle classes. A third bill was to console these richer men, by putting an end to the consular tribunate, and insuring the election of one of the two Consuls from the Plebeians,[1]—meaning, of course, the Plebeians who were able to seek the office. The argument adduced in favour of this latter bill appears to have been the urgent need of other authority in the hands of the Plebeians than was provided for their Tribunes, Ædiles, and Quæstors, in order to secure the settlement of debts and lands.[2] This sounds as if the advocates of the bill were obliged to stimulate their order to its support; the great body of the Plebeians being quite contented with the independence promised them in the first bills, without seeking anything besides, much less such power as the last bill offered them. If the poor, however, did not need the consulship, the rich men did; and the claim upon it by such as Licinius and Sextius, seems now, at least, too reasonable to

[1] "Ne tribunorum militum comitia fierent, consulumque utique alter ex plebe crearetur." Liv., vi. 35.

[2] It is so reported as an argument in Liv., vi. 37.

have required either pretext or concealment at the time of its proposal.

Such were the three Licinian bills, and it would be difficult in our own day to frame three others reaching to a further, or fulfilling a larger, reform in the liberty consistent with the religious and the civil institutions of the Roman Commonwealth. Plainly as the reform they proposed was demanded on every side, it was met by an opposition that turned it into a revolution before it was achieved. The first words of the historian on whom we most rely, after describing the bills, relate to the impossibility of accomplishing so great things, as he styles them, without the most violent contention.[1] Licinius Stolo was not, then, an ordinary, but an extraordinary, reformer, whose projects it was easier for his intelligence to conceive, and his will to urge, than for his countrymen to support with spirit like his own. That his opponents were the creditors, the landholders, and the Patricians, of whom we have read almost too much already, needs not to be told; but that he did not, and could not, find any adherents positively and unstintedly to sustain him, is one of the many testimonies which remain to the imperfections of Roman liberty. The Plebeians who most wanted relief and lands, cared so little for having the consulship opened to the richer men of their estate, that they would readily have dropped the bill concerning it, lest it should endanger their own desires. In the

[1] "Cuncta ingentia et quæ sine certamine maximo obtineri non possent." Liv., VI. 35.

same temper, the more eminent men of the order, themselves among the creditors of the poor, and the tenants of the public domain, would have quashed the proceedings of the Tribunes in relation to the discharge of debt and the distribution of land, and carried the third bill only, which would make them Consuls without disturbing them in their possessions. Such a spirit among the classes on which Licinius and Sextius must have mainly, if not entirely, depended, did not promise them the triumph they deserved.

But there were various circumstances to encourage the Tribunes in the enterprise, of which the plan, at first sight, perhaps, too comprehensive, was proved correct and admirable by the manner in which it was variously sustained. Had either of the three bills been omitted or altered, there would have been none the less opposition to what was left of the reform, while a certain amount of support would be taken away. If the poorer Plebeians, for instance, had had their way, they might not themselves have been much more active or able in the cause they yet would then more especially esteem their own; while the richer men would have gone over in a body to side with the public tenants and the private creditors amongst the Patricians. Or suppose the case reversed, and the bill relating to the consulship had been brought forward alone, the debtors and the homeless citizens would have given it too little help with hands or hearts to secure its passage as a law. The great encouragement Licinius and Sextius must

have felt, therefore, was in the fact that their reform was found to be well contrived.

Other incentives were not wanting to urge the venture they had begun. Earnest men of the lower and temperate men of the higher estate would first look on, then speak approvingly, and at last join zealously in bringing the cause on which they thought the interests of the Commonwealth at stake to a favourable issue. If there were anything to uphold the liberty of Rome, and conduct it safe through heathenism, it would be the union which purposes like those of Licinius Stolo inspired amongst the best of his countrymen. Where men were bound to duties of public life and military service almost alone, the greatest benefits to be expected from the laws were such, exactly, as were now proposed in Rome. The warrior was to be nerved by the gift of an unencumbered home; the citizen was to have, not only the home, but, besides, the hope of the highest honours of his country. And though either wavered in accepting all the promises offered them, there were some at once, and many in time, to accept and actively to promote the labour of the Tribunes.

The cords, however, by which alone the bills could be raised to the higher place of laws, were much too knotted to bear a strain without both grating and delay. As soon as the proposals of Licinius and Sextius were laid before the Tribes, every one of their eight colleagues vetoed the reading of the bills. Nothing could be done by two Tribunes, if the rest

were against them, except to be resolute and watch the opportunity for retaliation. At the election of the Consular Tribunes, about six months after the beginning of the tribunitian year, Licinius and his friend interposed their vetoes, and prevented a vote from being thrown. No magistrates could remain in office after their terms were expired, whether there were any successors or none to come after them; and the Commonwealth, accordingly, remained without either Consular Tribunes or Consuls at his head, although the vacant places were nominally filled by one Interrex after another, appointed by the Senate to keep up the name of government, even if he could do no more, and to hold the elections the moment that the Tribunes withdrew their vetoes or left their offices.

At the close of the year, Licinius and Sextius were both reelected, but with colleagues on the side of their antagonists. Some time afterwards, though whether in that year or another is unknown, it became necessary to allow the other elections to proceed. The people of Tusculum, formerly the allies, and latterly, after the campaign of Camillus, the adopted citizens of Rome, were in such peril from the attacks of the Latins of Velitræ, that no true Roman could hesitate to send them the assistance they desired.[1] As an army could not go forth without its leaders, the election of Consuls or Consular Tribunes was indispensable; and Licinius, with his

[1] "Verecundia maxime non patres modo, sed etiam plebem movit." Liv., VI. 36.

colleague, withdrew from the opposition they had hitherto unflinchingly maintained. Six Consular Tribunes, three of them being moderate Patricians, were chosen, without there having been, so far as we can determine, any Plebeian to offer himself as a candidate. The Plebeians, indeed, owed it to their Tribunes to abstain from seeking an office of which the bills in abeyance required the abolishment. At all events, they shewed increasing inclination to sustain Licinius and Sextius, not only by re-electing them, perhaps, for several years, but by choosing at length three other Tribunes with them in favour of the bills. The five in opposition now limited their interposition against the reading of the bills to the time when the army should return; and the chances of the bills were further brightened by the election of Fabius Ambustus, the father-in-law of Licinius, and the zealous supporter of his reform,[1] to the consular tribunate for the seventh year following the beginning of the revolution.[2]

That the achievements of Licinius Stolo deserve this name, already applied to them, will now be more clearly manifest than has been possible during the years of which the account is so utterly meagre as scarcely to raise a thought concerning the agitation that must have spread and continued throughout Rome. He and his colleague, it appears, had learned

[1] "Fabius quoque, ... quarum legum auctor fuerat, earum suasorem se haud dubium ferebat." Liv., VI. 36.

[2] A. C. 369. The narrative I have given must be taken as purely conjectural in relation to the chronological details, which it is both useless and impossible to determine precisely.

a great deal during the long contention in which they had been involved. It was constantly repeated in their hearing, that there was not a Plebeian in the whole estate who was fit to take the part in the auspices and the religious ceremonies which was incumbent upon the Consuls; and though it once seemed as if Canuleius had decided the question for ever, Licinius saw he must not only cut the noose, but burn the rope, that it might never be tied again. No office, ritual or civil, was more really honourable than that of the Duumvirs, in number two, as their name denotes, whose duty, and whose privilege it was to consult the Sibylline books, for the instruction of the people in every season of doubt or peril. They were, moreover, the presiding officers at the festivals of Apollo, to whose inspirations the holy books they had in care were ascribed; and, as was always the case with such exalted functionaries, they were free from all the obligations of common citizens, and held their offices for life. This brief description will explain the comprehensiveness of the claim which Licinius made in behalf of the Plebeians by setting forth an additional bill proposing the election of Decemvirs, five from the Plebeians and five from the Patricians, to take the place of the Patrician Duumvirs.[1] The idea of a Plebeian in the consulship was simpler from that day forward.

[1] "Ut pro duumviris sacris faciendis decemviri creentur, ita ut pars ex plebe, pars ex patribus fiat." Liv., II. 37. Arnold thinks that Licinius had it also in view to secure an honest interpretation of the Sibylline books, which were, very likely, often turned against the Plebeians. Hist. Rome, vol. II. p. 44. The Sibylline books were, as has

The bill concerning the Decemvirs could only be joined, for the present, with the other three, to bide its time. Notwithstanding the countenance of Fabius Ambustus, and others, perhaps, besides him, in the consular tribunate, it was impossible for Licinius, even with four colleagues in his favour instead of one, to carry his measures, while the other five Tribunes continued their interposition against the bills. He and Sextius were once more re-elected; and, on the return of the army from its protracted campaign,[1] the decisive struggle for the bills appears to have been begun. Yet, to say that it was then begun must not prevent some thought, at least, upon the long and agitated years through which the two brave Tribunes had, with their adherents, persevered. Nor is it to be forgotten, that no more earnest reflections could have filled the minds, no more exciting words have crossed the lips, of men on either side, than were excited by the efforts of Licinius and his steadfast colleague, now, if tradition be trusted, eight years continued.

The strife, however, was not yet ended. The Tribes were assembled; the ten Tribunes were all of one accord; and the bills that had hung and wavered in the air seemed sure of firm support and rest at last. The first votes were taken, and all was going well, when four-and-twenty lictors appeared, ushering a crowd of Senators and younger Patricians,

been mentioned, the acquisition of the last Tarquin.

[1] Which may be placed here, according to the inferences from Liv., vi. 38, in spite of the mention afterwards occurring in cap. 42.

with Plebeians, perhaps, amongst them, into the Forum. It was an onslaught rather than a procession, as all men knew; and the eyes that were strained to see the Dictator, whom the lictors and the Senators attended, soon beheld Camillus, swelling, as he is described, with wrath and menace[1] to crush bills, Tribunes, and Tribes beneath the authority he had in secret, a moment before, received. The old warrior did not doubt that the sun would stand still at his command; and, with his own voice, he forbade the Tribes to throw another vote, and ordered the Tribunes to see that his pleasure was obeyed. A pause ensued amongst the people; if the Tribunes hesitated, the bills were doomed: but, far from that, they bade the Tribes go on and vote as they had begun. Camillus, astonished, but more infuriated, commanded his lictors to break up the assembly at once, and proclaim, as they did so, that, if a man lingered in the Forum, the Dictator would call every one fit for service to his standard, and march from Rome without delay. Again the Tribunes dared resistance, and, this time, something more. They declared, that, if the Dictator did not instantly recall his lictors and retract his proclamation, they, the Tribunes, according to their right, would put a fine upon him five times the highest rate of the Census, so soon as his dictatorship expired. The acclamations of the Tribes proved that the threat would be fulfilled; and Camillus retreated, so fairly overcome,

[1] "Plenus iræ minarumque." Liv., vi. 38.

as to abdicate immediately afterward, under some pretence of faulty auspices.[1]

Such a victory, so far beyond any triumph of the lower estate in former times, was enough for one day; and the assembly separated to meet again in greater calmness at another time. But before it could be again convened, the Plebeians seem to have been worked upon in some way to such a degree, that, when the four bills were submitted, without interruption, to the decision of the Tribes, the two concerning lands and debts were alone accepted. The only circumstance to throw light upon this sudden change of mind, besides the natural motives for preferring one bill to another according to the different wants of the different classes, is the appointment to the dictatorship of a moderate Patrician, who, himself connected with the Licinian family, chose a member of that house for his master of the Knights.[2] It may have been their profession of perfect readiness to support the first two bills of their kinsman, the Tribune, in case he would abandon the last two, that moved the majority in the Tribes to set him the example of compliance with demands it did not harm them, as they thought, to refuse. Licinius was disappointed, but not confounded. With an ill-suppressed sneer at the selfishness as well as the blindness of those who had voted

[1] Liv., VI. 38. Compare Plut., Cam., 39.

[2] The Dictator was Publius Manlius Capitolinus; his master, the first Plebeian who held that office, Caius Licinius Calvus, who had been Consular Tribune the year preceding the first election of his relative to the tribuneship. Liv., VI. 31. Diod. Sic., XV. 57. See Liv., VI. 39.

only for what they most wanted themselves, he bade them mark that they could not eat, if they would not drink;[1] and totally refused to separate the bills. That the Plebeians soon determined for themselves to eat and drink, as they were recommended, is evident from the re-election of Licinius and Sextius to be Tribunes for the tenth time.[2]

The fourth bill, concerning the Decemvirs, was almost instantly laid before the Tribes, carried through them, and accepted by the higher assemblies. But why it was detached from the other three, after the resolution of the Tribunes to keep all four together had been apparently confirmed by the votes of the Plebeians in the re-election of their magistrates, is by no means evident. The reason may have been, that the way to the consulship might thus be smoothed, and the passage of the bill concerning it, the most disputed of the four, might be secured.[3] Or the proceedings of the Tribunes may have been interrupted by a fresh invasion of the Gauls, in consequence of which Camillus was once more appointed Dictator, and all the energies of the Commonwealth were diverted to the defence of its own or the immediately neighbouring territories against the barbarians.[4]

As soon, however, as the interruption, on whatever account it happened, ceased, the struggle between the

[1] Dion Cass., Fragm. XXXIII., with the note of Reimar.

[2] For the year A. C. 366. Liv., VI. 42.

[3] Livy says, "Graduque eo jam via faeta ad consulatum videbatur." VI. 42.

[4] See Liv., VI. 42.

supporters and the opponents of the three remaining bills was resumed and decided. The Tribes were persuaded, we know not how, to pass the bills, and the only mention concerning their ratification is of greater conflicts than had yet arisen;[1] but the bills were laws at last. The revolution was none the less important, because its completion was shrouded in silence, or told only in traditions of desperate commotions.

Lucius Sextius, the faithful Tribune, was elected by the Centuries the first Consul from the Plebeians. But the Curies refused to confirm his election by the grant of his commission, the name, in our language, corresponding to the Imperium. And again, as through a riven cloud, the lightning seems to flash over terrors and contentions, which the historian affirms to have wellnigh ended in a secession of the Plebeians.[2]

It is here, too, that Camillus is introduced in the broken story, which crowns his long life with far the purest renown it at any time attained. Either holding the powers with which he had been armed to meet the Gauls, or else again appointed to the dictatorship for the present emergency, he came between the angry factions of the Commonwealth, as the bearer of olive-branches to either side. At his proposal, though it was not made without the counsels of others more wise than he had been, the Patricians

[1] Liv., VI. 42.

[2] "Prope secessionem plebis res terribilesque alias minas civilium certaminum venit." Liv., VI. 42. See Ovid., Fast., I. 641 *et seq.*

consented to the confirmation of the Consul Sextius, while the Plebeians agreed that a new magistracy should be instituted for the Patricians, under the old name of the consulship,—the prætorship,—to which a great part of the judicial authority[1] was then transferred from the office now opened to the Plebeians. Long-enduring passions were for a moment stilled, and the old Dictator began the building of a temple to the goddess Concord.[2] The Senate decreed that a fourth day for the Plebeians should be added to the festival which the Patricians yearly celebrated as the Great Games of Rome; and the opportunity was improved, perhaps insidiously,[3] to introduce a new Patrician magistracy, that of the Curule Ædiles, to conduct the Games in the name of the whole people.

The consequences of the revolution which was thus achieved by Licinius Stolo and Lucius Sextius are to be measured only as we proceed with the subse-

[1] Strictly speaking, the province of the Prætor was the city; where he not only administered justice ("qui jus in urbe diceret," says Livy, VI. 42), but acted as a deputy for the Consuls in their absence, and even took the place of the Censors for the three years and a half during which, out of every five years, there were none of those magistrates in office. The first Prætor was the son of the great Camillus.

[2] Plut., Camill., 42. Liv., VI. 42.

[3] The words in the Digest are as follows:—"Tunc ut aliquo pluris patres haberent, placuit duos ex numero patrum constitui: ita facti sunt Ædiles Curules." Lib. I. tit. II. 2, sect. 26. If the games had been previously celebrated by the Consuls, the purpose of the curule ædileship is very plain. The story of the refusal of the Plebeian Ædiles to manage the games is the more absurd, because the Plebeians were still excluded from the spectacle. Cf. Liv., VI. 42, with Niebuhr's Hist., vol. III. p. 24.

quent history of their country. But the immediate working of their laws, though dependent for description upon exceedingly scanty statements, will serve in part, at least, to terminate our present, and introduce our coming narrative. Of the regard paid to the new Decemvirs, or of their influence in uniting the two estates to which they belonged, we actually know nothing. The operation of the law concerning the consulship is better ascertained. The authority of this great office was, after the institution of the prætorship, in addition to the censorship already in existence, a very different affair from the absolute power of its early occupants; yet, as the commission of the Consuls was still supreme in all respects a mile beyond the city walls, and as the military superiority with which it invested them was undisturbed, the Plebeians were satisfied with the dignity it still maintained, and to which they were themselves, for the first time, raised. Sometimes, it is true, the Patrician candidates were alone elected; on other occasions the election of a Plebeian, if not prevented, was virtually nullified by the appointment of a Patrician Dictator;[1] and there were reasons, at one period, for the Plebeians to dread, that, even though their candidates might be chosen, they were taken from so small a number of families as to threaten them with an oligarchy amongst themselves.[2] But,

[1] See Liv., VII. 21, 22, &c.; there being no less than fourteen Dictators within a comparatively brief period.

[2] Arnold remarks that eight Plebeian families furnished Consuls for twenty years. Hist. Rome, vol. II. p. 65.

as a general remark, it may be safely said, that the elevation of the lower estate was secured by the law which opened the consulship and the priesthood of the Commonwealth to their ambition.

It marks the character of the Romans, and therefore of their liberty, that the laws of ambition, as they may be called, which Licinius carried, should alone have really succeeded. The recovery and the distribution of the public domain were never actually accomplished. They who had lands to surrender would resist, either from unwillingness to part with estates they considered, and in some cases with apparent reasonableness, to be their own, or else from sheer determination to elude the laws they had not been able to suppress. Others who waited to receive the lands, would be exasperated by delay, and by discontent, at last, that they had not gained a principality, instead of a little, and, as it might easily happen, a worthless farm. Conflicting claims amongst the poor would lead to angry feelings or silent sufferings; and much as may have been done, much more was surely and necessarily left undone. The law respecting debts would meet the same sort of obstacles; and though many were relieved and some undoubtedly discharged, the causes of embarrassment and of downright poverty, being undisturbed, soon wrought effects which no reduction of interest or instalment of principal could relieve. It must be confessed how much easier it is to describe the inefficacy than the efficacy of laws like these concerning debts and lands, even if their own inherent

defects were not so plain. The chronicles composed by their opponents would bear little testimony to the good they really did in Rome.

Unfortunately, however, for the reputation both of the Licinian laws, and of their author, there has been preserved an account of his own transgressions against them. About ten years from their passage, and after having been twice elected, in that interval, to the consulship, Licinius Stolo was brought to trial for being the occupant of one thousand jugers of the public lands, in violation of the limits he had himself prescribed. If his defence were made, as it appears to have been, on the ground that his son occupied half the land which was charged to him, the plea alone would have warranted his condemnation, inasmuch as the son could have been no more than a nominal tenant under the control and to the advantage of the father.[1] Licinius was sentenced to pay a heavy fine,[2] and the history of his laws must be concluded with the evidence of his shame.[3]

Nor is to be denied that the stain upon Licinius was one upon the principles of the whole people, as well as of the individual man. The freedom of many ancient nations had met its doom; and the few hopes of Greece were shrinking, or soon to shrink, before Philip of Macedon. It was only

[1] "Dissimulandi criminis gratia." Val. Max., VIII. 6. 3.

[2] Liv., VII. 16. "Primus omnium sua lege punitus est." De Vir. Ill., cap. XX.

[3] Which they who wish may complete from Dion. Hal., Excerpt. XIV. 22. See, in some exculpation, App., Bell. Civ., I. 8.

natural, at a moment like this, that, if the liberty of Rome were quickened with new life, its mortality should be proved by such an offence as that of Licinius Stolo.

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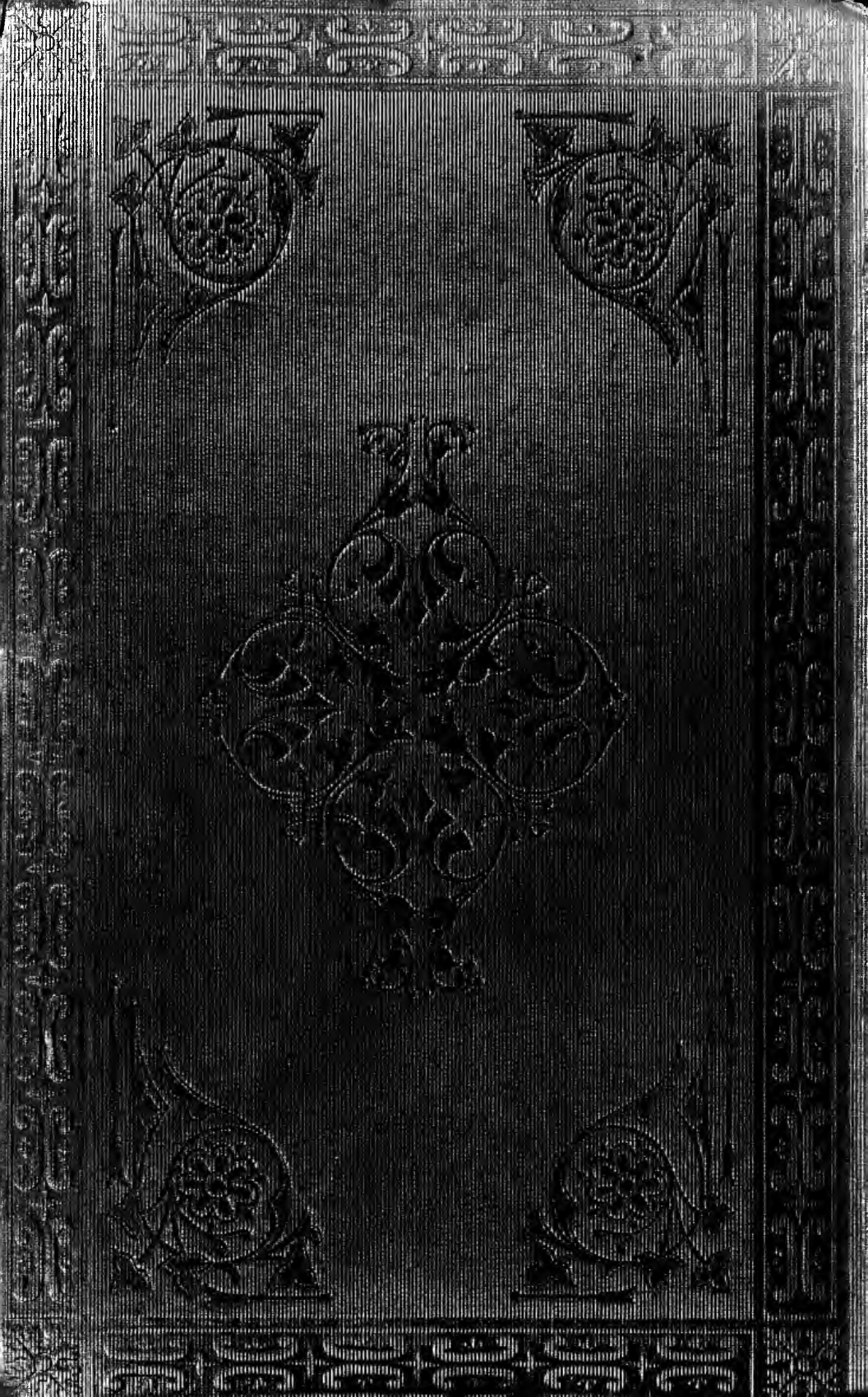
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